

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 2, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., July 2, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Vice Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Absent: Fulton Brock, Chairman. Also present: Norma Risch, Deputy Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Father Bill Woc, Andre House delivered the invocation.

PLEDGE OF ALLEGIANCE

Bruce Bartholomew, District 3, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

A six year old, mixed breed dog named Ralph was introduced by Julie Banks as the Maricopa County Animal Care & Control's "Pet of the Month" for July. She said that Ralph was very lovable and would make a wonderful pet, and reminded everyone that the center, north of Camelback on 35th Avenue, has many dogs and cats that are looking for homes and are now available for adoption.

RESIGNATION OF TOM FREESTONE AS JUSTICE OF THE PEACE

Item: Accept the resignation of Tom Freestone, Justice of the Peace, South Mesa/Gilbert Justice Court, effective 5:00 p.m., July 15, 2003. (This is Addendum item A-1.) (ADM1200)

Supervisor Stapley said that this is a bittersweet day for him and for all those who have been a friend to, or constituent of, Tom Freestone during his 35 years of service to Maricopa County and the State of Arizona. Mr. Stapley cited personal experiences dating back to his high school years in which he had asked for and received assistance from Mr. Freestone in various ways. Both Supervisors Wilcox and Kunasek joined him in citing long-time personal memories and in recognizing their long and pleasant association with Judge Freestone.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept Judge Freestone's resignation from the South Mesa/ Gilbert Justice Court.

Gordon Griller, Superior Court Administrator, joined Supervisor Stapley at the podium as they presented Judge Freestone with a Certificate of Appreciation for Meritorious Service to the Citizens of Maricopa County and with a plaque from Superior, City and Justice Courts in the County. They expressed the admiration and appreciation felt by so many for his years as a public servant in both appointed and elected official duties as he expanded his personal target of "making this a better world."

Tom Freestone's emotions ran high as he remembered highlights connected with the Supervisors and he said he had known Supervisor Stapley's family "all my life." As he looked around the room he said, "I see many faces of those who were here when I was a Supervisor, and they are still serving the County, and it's hard not to become emotional. I just want to say I thank you for the honor of serving with you all these years."

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HARRELL H. BOYSTER RESIGNATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the resignation of Harrell H. Boyster, Constable, South Mesa/Gilbert Justice Court, effective 5:00 p.m., July 15, 2003. (Addendum item A-2.) (ADM1300)

APPOINTMENT OF HARRELL H. BOYSTER AS JUSTICE OF THE PEACE

Supervisor Stapley said Harrell Boyster had grown up on a dairy farm in the Mesa/Gilbert area and is the father of seven children and had gotten involved in government when the Superstition Freeway expanded onto his farmlands. He has been a constable for 12 years, a job that has prepared him to move into this new position as Justice of the Peace. Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to appoint Harrell H. Boyster as Justice of the Peace for the South Mesa/Gilbert Precinct and Justice Court, effective July 16, 2003, to fill the unexpired term ending December 31, 2004. (Addendum item A-3.) (ADM1202)

Constable Boyster thanked the Board for this opportunity to extend his area of service to the County. He introduced his wife, Jennifer, who he said has always worked closely with him through their 24 years of marriage in whatever he undertook. He thanked Judge Freestone for the example he had set and the many things he taught him during their time together in the Justice Court.

Acting Chairman Kunasek remarked that Mr. Boyster has some "big shoes to fill because that Justice Court is one of the shining stars in the Justice Court system."

APPOINTMENT OF PHILLIP FREESTONE AS CONSTABLE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to appoint Phillip Freestone, Constable, South Mesa/Gilbert Justice Court, effective July 16, 2003, to fill the unexpired term ending December 31, 2004. (Addendum item A-4.) (ADM1301)

WAIVER OF ANY NON-TAX LIENHOLDER INTEREST IN PROPERTY KNOWN AS PARCEL NO. 142-27-051

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the Board approve the waiver of any non-tax lienholder interest Maricopa County has in the property known as Parcel No. 142-27-051, as this relates to Superior Court Case CV2002-018267. (Discussed in Executive Session on June 30, 2003.) (Addendum item A-5.) (ADM800-004)

PUBLIC NOTICE CALLING FOR A BALLOT MEASURE FOR CREATION OF A HEALTH CARE DISTRICT AT THE NOVEMBER 4, 2003, ELECTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve giving this public notice calling for a ballot measure to be voted on by the voters at the November 4, 2003, election, for creation of a health care district pursuant to new state legislative authority. The Board of Supervisors hereby gives notice that persons wishing to file arguments advocating or opposing the ballot measure must do so by 5:00 p.m. on Wednesday, August 6, 2003, by filing arguments not more than three hundred words in length and paying the required publication fee of \$25 per argument with the Maricopa County Recorder/Elections Department at any of the following offices: (C20030190) (Addendum item A-6.) (F23121)

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111 South Third Avenue, Phoenix, Arizona, 85003;
2025 E. University, Phoenix, AZ 85034, or
222 E. Javelina (Southeast Facility), Mesa, Arizona 85210.

The Board members asked citizens to read the literature and become educated on this very important Health Care District ballot measure. Supervisor Kunasek said that the Board has actively worked with staff to give the public the opportunity to make a very important decision by voting on this and the public should realize that their vote will provide direction for the direction that health care in the County will become in the future.

AMENDMENTS TO PARKS & RECREATION FY 2003-2004 FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following amendments to the FY 2003-2004 five-year Capital Improvement Plan: (Addendum item A-7.)

- a) Create a new project titled "San Tan Mountain Regional Park Improvements" in the General Government Capital Improvements Fund (445) in the amount of \$500,000 (Year 1 \$500,000) and authorize the Parks & Recreation Department to proceed with the implementation and oversight of the completion of programming, procurement and construction of the project;
- b) In accordance with ARS §42-17106B, approve a transfer and expenditure of \$500,000 from the FY 2003-2004 Adopted Budget Appropriated Fund Balance Reserved Contingency-CIP Contingency (4811) to the Appropriated Fund Balance Infrastructure/CIP-Transfer to General Fund County Improvement Fund line item (4813). This action will increase the fund transfer to the General Government Capital Improvements Fund (445).
- c) Approve a \$500,000 revenue and expenditure appropriation adjustment to the General Government Capital Improvements Fund (Department 470, Fund 445). This action will increase the fund transfer from the General Fund (100) and allow for the expenditure of these funds. Also approve offsetting transactions to revenues and expenditures in the Eliminations Fund (900) of \$500,000

The requested actions result in an increase of \$500,000 to the current five-year Capital Improvement Plan, with a County-wide net impact of zero. (C30030258) (ADM1820)

CHIEF HEALTH SERVICES OFFICER, ENVIRONMENTAL SERVICES - WITHDRAWN

Adopt a resolution proposing ozone eight-hour non-attainment area boundaries for Arizona pursuant to Section 107 of the Clean Air Act, for the purpose of protecting and preserving the quality of air within Maricopa County. The Maricopa County Environmental Services Department recommends that the Board endorse the boundaries proposed by the Arizona Department of Environmental Quality (ADEQ) as shown. (Addendum item A-8.) (C88030537)

The Clerk announced that this item had been withdrawn.

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COURTS MASTER PLAN IS NEW LINE ITEM

In accordance with ARS §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a transfer and expenditure of \$500,000 from the FY 2003-2004 Adopted Budget Appropriated Fund Balance Reserved Contingency-CIP Contingency to a new line item in Appropriated Fund Balance Other Programs entitled Courts Master Plan, to fund Court Master Plans. (Addendum item A-9-a.) (C70040038)

ADOPT PLANS, AUTHORIZE A CALL FOR BIDS, AWARD CONSTRUCTION CONTRACT FOR MARICOPA COUNTY WALL OF HONOR

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt plans and specifications, authorize a call for bids and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the "Maricopa County Wall of Honor", Project No. 2002301362, located at plaza level of 201 West Jefferson, Phoenix. The Wall of Honor commemorates the Maricopa County employees who have dedicated themselves to Maricopa County by giving their life in the line of duty, given 30-years of service to the County, and who have developed extraordinary ideas for the betterment of the County. The project is funded in the FY 2004 Major Maintenance Program Budgets, Fund 100, Agency 480, Org 4832, Object Code 0915.02, Function Code ICCI. (Addendum item A-9-b.) (C70040045)

VINCENT J. HARDER RECOGNIZED FOR FOUR YEARS OF SERVICE

Recognition of Vincent J. Harder for providing four years of voluntary service to the Maricopa County Citizens Audit Advisory Committee representing District 4. (ADM2602)

Both Supervisor Wilson and Ross Tate, Maricopa County Auditor, commended Mr. Harder for his excellent service and donation of four years to the Citizens Audit Advisory Committee, 1999 to 2003.

CODE ENFORCEMENT REVIEW

Vice Chairman Kunasek called for oral arguments in the review of the Hearing Officer's Order of Judgement in Zoning Code Violation Case No. V2002-00881, Michael L. Theisen, represented by Kent M. Nicholas, Attorney. (This case continued from meeting of June 18, 2003.) (ADM3417-17)

Attorney Kent Nicholas represented Mr. Theisen in this matter and said that his client lived in a rural area and it was simply a matter of opinion whether his birds create a nuisance in that setting. He stated that Mr. Theisen was not running a zoo and the birds weren't on public display or used for commercial purposes but were considered as pets. He argued that his client was not cited by the Hearing Officer for keeping birds in a zoo, on public display or for commercial purposes but seemed to be more disturbed in the number of birds that he had. Mr. Nicholas cited precedent set in a former case, "the Gobble Case" which ruled that the only common law limitation in keeping exotic birds as pets in a rural zone is whether they create a nuisance. He stated that his client was not cited for creating a nuisance, he was cited for what he had and where he had it. He asked the Board to keep in mind that the number of birds is not the issue, and added that if his client had a zoo, publicly displayed his birds or commercially sold his birds there would be a problem and he would need a Special Use Permit, "but he did not do any of those things" and therefore, he could not be in violation.

David Benton explained that a complaint had been received in August 2002 about the noise created by the birds and a site inspection was done. The report stated there were several large cages of birds and

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noted that it was quite loud, and there were birds everywhere. A notice of violation was sent to Mr. Theisen informing him that the circumstances noted during the inspection would require a Special Use Permit for exotic animals, as the appearance was one of "commercial, private use or a zoo.". Mr. Theisen then set-up and cancelled two pre-application meetings for a Special Use Permit. Continued non-compliance and lack of response resulted in a summons being issued and the case was finally presented to the Hearing Officer on April 24, 2003, where Mr. Theisen admitted to having several hundred parakeets plus 60-70 large birds on his property. Mr. Benton added that Mr. Theisen had said that he is selling the birds and had sold quite a few of them and that he can't sell them now because the market is down. He explained that this kind of remark was used by the Hearing Officer in making his decision. The Hearing Officer found that the inordinate number of birds seemed to go far beyond a simple personal use, and, since Mr. Theisen had sold some of the birds, they had been disposed of in a commercial way – for which a Special Use Permit was required. Mr. Theisen claimed that he has a job and is not in business to sell birds and does not have a commercial enterprise as some other bird owners have. The Hearing Officer determined the facts did present a commercial aspect and found Mr. Theisen to be the responsible party and in violation of the code.

Both Supervisors Kunasek and Stapley remarked on the credibility factor of having several hundred birds as pets.

Mr. Nicholas explained that Mr. Theisen had sold some birds after being told there was a problem because he was trying to comply, and it is in the language of the hearing transcript that was sent to you. He said there is no evidence that any birds were sold prior to that warning. He stated that there are no statutes or zoning codes that either prohibit large numbers of birds or specify how many birds are legal or not legal for personal use. He reiterated that this is a rural area and involves Mr. Theisen's five-acre parcel of land. He charged that unless this decision is reversed all bird owners in this zone will be thrown into a state of confusion as to their rights. He said that while some of the birds had been removed, Mr. Theisen would like to wait until the market price improved before getting rid of the rest of the birds.

Supervisor Stapley asked why Mr. Theisen would know about the condition of the market if he wasn't in a commercial business of some kind and aware of it to sell his birds at a higher rather than lower price.

Mr. Nicholas responded that his remark was made after he had sold some birds following the warning that there was a problem and asked the Supervisors to read the transcript so Mr. Theisen's comments would not be taken out of context.

Discussion ensued wherein it was decided that if it is Mr. Theisen's intention to sell-out he could be given additional time to complete that task. Mr. Nicholas said that if the Hearing Officer's decision were to be upheld he felt Mr. Theisen would appreciate some additional time to sell his birds.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to uphold the Hearing Officer's Order but to suspend enforcement of his recommendation for a 3-month period to give Mr. Theisen time to get rid of his birds. Mr. Theisen is to report the results at the Supervisors' October 8, 2003, meeting.

PUBLIC HEARING - SUPERIOR COURT

Pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, Chairman Kunasek called a public hearing at this time, to establish a Complex Civil Litigation Court Fee of \$500, to be assessed on each plaintiff or petitioner and upon each defendant or respondent (as defined in Superior Court Administrative Order 2002-127 and any succeeding orders) in each case assigned to

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the complex litigation court, beginning January 1, 2003. Cases designated complex prior to Board approval of the Complex Civil Litigation Court Fee shall be assessed a fee of \$500 as described above. Authority for this request is based on A.R.S. §11-251.08 and State of Arizona Attorney General Opinion I95-18 (R94-63). Complex Civil Litigation Court Fees will be deposited by the Clerk of the Superior Court in the Superior Court Special Revenue Fund (Fund 259) for disbursement on approval of the Presiding Judge with expenditures subject to appropriation by the Board. (C38030158) (ADM1005)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried 4-0-1) to approve the requested Complex Civil Litigation Court Fee of \$500.

PUBLIC HEARING - ENVIRONMENTAL SERVICES

Chairman Kunasek called a public hearing, as required by ARS §49-479(b), to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 311 (Particulate Matter From Process Industries), Rule 320 (Odors And Gaseous Contaminants) and on proposed new Rule 322 (Power Plant Operations) and new Rule 323 (Fuel Burning Equipment from Industrial-Commercial-Institutional Sources) and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP).

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rules 311, 320, and to adopt proposed new Rules 322 and 323 and to submit the rules as a revision to the (Arizona) State Implementation Plan. (C88030467) (ADM2354)

PUBLIC HEARING - ENVIRONMENTAL SERVICES

Chairman Kunasek called a public hearing, as required by ARS §49-479(b), to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulation Rule 312 (Abrasive Blasting), and to solicit comments on submitting the rule as a revision to the (Arizona) State Implementation Plan (SIP).

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt the proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 312 and to submit the rule as a revision to the (Arizona) State Implementation Plan. (C88030427) (C88030437) (ADM2354)

ROAD DECLARED (ROAD FILE NO. A264)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C64032485)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 4th day of June, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 80 foot roadway, together with all appurtenances and easements of record, lying within the East half of (E½) of Section Fourteen (14), and the West half (W½) of Section Thirteen

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(13) in Township One (1) South, Range Three (3) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 40 feet of the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the North 40 feet of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 14; together with,

The South 40 feet of the Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the North 40 feet of the Northwest quarter of the Southwest quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section 13.

(Said alignment is also known as Eagle Mountain Road from End of Maintenance to 217th Avenue in Supervisor District No. 5)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 2nd day of July 2003.

ROAD DECLARED (ROAD FILE NO. A274)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C64032495)

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WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 4th day of June, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE¼) of Section Twenty-six (26) in Township Six (6) South, Range Two (2) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 25 feet of the Northwest quarter of the Southeast quarter (NW¼SE¼) and the West 25 feet of the Northeast quarter of the Southeast quarter (NE¼SE¼) of said Section 26.

(Said alignment is also known as 29th Avenue from End of Maintenance to Irvine Road in Supervisor District No. 3)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 2nd day of July 2003.

ROAD DECLARED (ROAD FILE NO. A282)

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) that the following resolution be adopted: (C64032505)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 4th day of June, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 80 foot roadway, together with all appurtenances and easements of record, lying within Section Eight (8) and Section Five (5) in Township Two (2) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway lies 40 feet on each side of the following described centerline:

BEGINNING, at the South quarter corner (S¼) of said Section 8; THENCE, Northerly along the North-South mid-section line of said Section 8 to the North quarter corner (N¼) of said Section 8, said corner being common with the South quarter corner (S¼) of said Section 5; THENCE, continuing, Northerly, along the North-South mid-section line of said Section 5, to the terminus at the North quarter corner (N¼) of said Section 5.

(Said alignment is also known as Tuthill Road (203rd Ave) from Queen Creek Road to Pecos Road in Supervisor District No. 5)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

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RECOMMENDED INTERNAL AUDIT PLAN FOR FY 2003-2004

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the recommended Internal Audit Plan for FY 2003-2004. This plan is based upon Internal Audit's FY 2004 resources (budget and consulting funds) remaining equal to that of FY 2003. (C2304001M) (ADM2600)

AMENDMENT TO LEASE FOR OFFICE SPACE WITH TCV OSBORN, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 2 to Lease No. L7233 with TCV Osborn, LLC, successor in interest to Osborn West, LLC, for office space at 3501 West Osborn Road, Phoenix. The lease is for 11,900 square feet of space used by the County Attorney west office for its Juvenile Division. This amendment will extend the lease eleven months from the current expiration date of August 4, 2003, through June 30, 2004, at the current rental rate of \$15.60 per square foot per year, or a monthly rent of \$14,379.17, plus 2.4% rental tax. This extension term contains a 60-day termination provision. (C19960274) (C19030554)

EXTENSION TO INTERGOVERNMENTAL SERVICE AGREEMENT WITH PIMA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an extension for the Intergovernmental Service Agreement (ISA) between Pima County Sheriff's Department and the Maricopa County Attorney's Office. This agreement for the High Intensity Drug Trafficking Area (HIDTA) grant will be extended through to November 9, 2003. By approving this agenda item, the Board will be authorizing the County Attorney's Office to increase expenditures from the County Attorney Grant Fund (219) in FY 2003-2004 by \$38,541. This extension was not anticipated, so expenditures from this grant were not included in the FY 2003-2004 budget for Fund (219). This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1902050202)

CRITICAL MARKET SALARY INCREASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve critical market salary increases for eight Legal Support Training Track (LSTT) graduates in the County Attorney's Office that will graduate on June 23, 2003. These pay increases (\$308 for FY 2002-2003 and \$16,030 for FY 2003-2004) will be funded through realized salary savings, budgeted in "Other Pay". (C19030528) (ADM3308-001)

GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION (ACJC)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve receipt of grant funds from the Arizona Criminal Justice Commission (ACJC) for FY 2003-2004 programs, as follows. These grant funds may not be expended for any indirect costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of the grants.

- a) Crime Victim Assistance Program in the amount of \$103,680. These funds are to provide services to victims of crime. This grant agreement, ACJC Grant Number VA-04-024 will commence on July 1, 2003, and will terminate on June 30, 2004.

This grant also requires a match of \$103,680. By approving this agenda item, the Board of Supervisors will be authorizing the acceptance of grant funding, which has been included in the budget, for FY 2003-2004 budget, upon its adoption. There will not be a budget amendment to be authorized for the County Attorney Grant Fund (219). (C19040043)

- b) Aggravated Domestic Violence Prosecution Program in the amount of \$37,187. These grant funds are to provide victim assistance services to victims of domestic violence cases being prosecuted. This grant agreement, ACJC Grant Number ADV-04-215 will commence on July 1, 2003 and terminate on June 30, 2004. The funding for this grant is included in the FY 2003-2004 budget. By approving this agenda item, the Board will be authorizing the reduction of grant funding when the FY 2003-2004 budget has been adopted. There will be a budget amendment for the County Attorney Grant Fund (219). This amendment will decrease the County Attorney's revenue and expenditure levels for FY 2003-2004 by \$2,921. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040053)
- c) Obscenity Prosecution Program in the amount of \$180,829. These funds are to enhance efforts to prosecute obscenity offenders. This grant agreement, ACJC number OBS-04-168, will commence on July 1, 2003, and will terminate on June 30, 2004. By approving this agenda item, the Board will be authorizing the acceptance of grant funding, which has been included in the budget, for FY 2003-2004 budget, upon its adoption. There will not be a budget amendment to be authorized for the County Attorney Grant Fund (219). (C19040063)
- d) Crime Victim Compensation Program in the amount of \$1,074,062. The Arizona Criminal Justice Commission certification number VC-04-056 funding shall commence on July 1, 2003, and will terminate on June 30, 2004. The funding for this grant is included in the FY 2003-2004 budget. By approving this agenda item, the Board will be authorizing the reduction of grant funding when the FY 2003-2004 budget has been adopted. There will be a budget amendment for the County Attorney Grant Fund (219). This amendment will decrease the County Attorney's revenue and expenditure levels for FY 2003-2004 by \$147,486. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040073)
- e) Drug Control and System Improvement Program in the amount of \$1,588,773. These funds are to enhance efforts to prosecute drug, gang, and violent crime offenders. This grant agreement, ACJC number PC-020-04, will commence on July 1, 2003, and will terminate on June 30, 2004. 75% of this grant is funded through the Edward Byrne Memorial State and Local Law Enforcement Formula Grant Program and 25% is a required hard cash match that must be provided by the County Attorney's Office. The County Attorney's Office recognizes the 25% hard cash requirement and has the ability to provide the match of \$358,184. The hard cash match has been budgeted as part of the County Attorney's general fund budget. The funding for this grant is included in the FY 2003-2004 budget. By approving this agenda item, the Board will be authorizing an increase in grant funding when the FY 2003-2004 budget has been adopted. There will be a

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budget amendment for the County Attorney Grant Fund (219). This amendment will increase the County Attorney's revenue and expenditure levels for FY 2003-2004 by \$589. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040083)

AMENDMENT TO INTERGOVERNMENTAL SERVICE AGREEMENT WITH PIMA COUNTY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Intergovernmental Service Agreement (ISA) between Pima County and the Maricopa County Sheriff's Office which extends the term of the agreement through December 31, 2003. The HIDTA program is sponsored/funded by the Office of National Drug Control Policy (ONDCP). This year \$394,872 was awarded to the Sheriff's Office in an effort to combat the growing drug problem in the State of Arizona. The Pima County Sheriff's Office is the pass through grant administrator. The original term of the agreement was October 1, 2001, through December 31, 2002. Extending the ending date will allow the Sheriff's Office time to utilize the funds awarded. An amount of \$193,000 was included in the MCSO grant budget request in anticipation of carry over. (C5002069302)

ADDITION TO THE FLEET OF TWO CLUB CAR UTILITY VEHICLES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve additions to the fleet of two club car utility vehicles for the new detention facilities, Central Services Complex. One vehicle is a Villager-4 electric car valued at \$6,496, including tax and the other is a gas-powered CA2 XRT vehicle valued at \$5,601, including tax. These items were included in the funding appropriated for detention facilities furniture, fixtures and equipment (FFE). The annual estimate for fuel and maintenance for these vehicles is approximately \$600. (C5004006M) (ADM3104)

WAIVER TO MARICOPA COUNTY EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Employee Leave Plan V & VI for Deputy David Wargo who sustained serious head injuries as a result of an "Act of Violence" through no fault or negligence of his own. Deputy Wargo was driven over by a theft suspect. This approval authorizes payment of normal base salary and benefits to the employee for a duration of up to one year or return to full duty, whichever is earlier, to begin May 23, 2003. (C5004008M) (ADM3320-001)

ONE-TIME ADDITION TO THE FLEET OF A RED LINED 1999 CHEVROLET TAHOE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a one-time addition to the Sheriff's Office fleet of a red lined vehicle (No. 32908). This is a 1999 Chevy Tahoe, currently scheduled to be removed from service. The estimated cost per mile for this vehicle is \$.34, with estimated annual usage of 10,000 miles and an estimated annual operating expense of \$3,400. All expenses associated with the operation of this vehicle will come from existing Sheriff's Office budgeted funds. (C5004009M) (ADM3104)

SPECIAL USE PERMIT WITH US DEPARTMENT OF AGRICULTURE, TONTO NATIONAL FOREST SERVICE

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Special Use Permit between the U.S. Department of Agriculture, Tonto National Forest Service and the Sheriff's Office for the northeast corner of Usery Pass and Bush Highway. This permit is for 10 acres at the northeast corner that will include a First Aid Station, Boater Safety Information and Administrative Offices. This Permit will expire at midnight on December 31, 2012. (C5004010M)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES ON SERIOUSLY MENTALLY ILL FUNDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve extension of an Intergovernmental Agreement between Maricopa County (the County) and the Arizona Department of Health Services (ADHS) which in effect extends the existing arrangement for the County's funding of behavioral health services, for a term of one-year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$28,060,185 for FY 2004. This increases the level of County funding based on medical inflation for services to the seriously mentally ill by \$1,336,199 over the funding paid under the previous IGA in FY 2003. The FY 2004 IGA also requires the County to fund non-SMI services in the amount of \$3,366,705 for the one-year term and substance abuse ("LARC") services in the amount of \$1,489,871 for the one-year term. The level of funding for non-SMI and LARC services remains constant from FY 2003 to FY 2004. The IGA will be in effect until June 30, 2004. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total County funding for behavioral health services in FY 2004 under the IGA will be \$32,916,761.30 for a one-year term. (C3903020203) (C39030042)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR MENTAL HEALTH SERVICES FOR JUVENILE DETAINEES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between Maricopa County and the Arizona Department of Health Services ("ADHS") authorizing ADHS or its contracted Regional Behavioral Health Authority ("RBHA") to provide mental health screening, evaluation and treatment services to "remanded juveniles" in the Maricopa County Jails who need the services. The IGA authorizes ADHS to expend up to \$200,000 from the "Non-SMI" funds that the County already provides ADHS pursuant to the Intergovernmental Agreement executed in connection with Arnold v. Arizona Department of Health Services, et al, Maricopa County Superior Court Cause No. C432355 ("Arnold v. Sarn"). (C39030212)

PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

ADMINISTRATIVE PROCEDURE ~~A1500~~ DIVERSITY POLICY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Administrative Procedure ~~A1500~~ Diversity Policy, for the purpose of creating a productive work environment representative of the citizens' Maricopa County serves and reflective of the changing demography of Maricopa County. (Correction was made by Norma Risch, Deputy Clerk of the Board, who said that a new number would be assigned, which was later determined to be A1510.) (C31030096) (ADM3321)

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Supervisor Wilcox remarked that including employee diversity as part of Maricopa County's policy in serving its ever changing citizenry is a major step towards becoming part of the diversification so prevalent in today's global marketplace.

3.9% SALARY INCREASE FOR ALL ARIZONA STATE RETIREMENT SYSTEM EMPLOYEES, WITH CORRESPONDING EXEMPTION TO CRITICAL SALARY INCREASE FREEZE POLICY

Motion was made by Supervisor Stapley and seconded by Supervisor Wilcox to approve a 3.9% salary increase for all Arizona State Retirement System employees effective June 23, 2003, with a corresponding exemption to the Critical Salary Increase Freeze Policy (list on file in the Office of the Clerk of the Board of Supervisors). Also in accordance with ARS §42-17106(b), approve the following expenditure appropriation adjustments totaling ~~\$22,508,524~~ **\$16,088,021**, ~~(\$17,453,022)~~ **(\$14,316,082)** for the General Fund and ~~\$5,055,499~~ **\$1,771,939** for the Detention Fund): reduce General Government Reserved Contingency-Employee Initiatives (100-470-4711) in the amount of ~~\$9,808,284~~, **\$7,852,703**, reduce General Government Reserved Contingency-Retirement Contribution Increases (100-470-4711) in the amount of ~~\$7,644,738~~, **\$6,463,379**, reduce General Government Reserved Contingency-Compensation Reserve (255-470-4711) in the amount of ~~\$2,840,168~~, **\$1,771,939**, ~~reduce General Government Contingency (255-470-4711) in the amount of \$2,215,334~~ and increase departmental General and Detention fund budgets by the amounts referenced on the attached schedule to fund the 3.9% salary increase for Arizona State Retirement System employees in the General Fund and Detention Fund and the associated Arizona State Retirement System employer contribution rate increases. The Countywide net impact of these adjustments is zero. (Supervisor Stapley read the corrected amounts provided by OMB into the record when making his motion.) (C49030508) (ADM3309)

Supervisor Wilcox, recognizing the inability of the County to give any employee raises because of the "rough budget year" the County has had, expressed her pleasure that the County could absorb the increased payment to the Arizona State Retirement System so the County's employees who are contributing to their retirement in that system would "not have to take the hit" in their paychecks.

Acting Chairman Kunasek agreed, saying that the 3.9% salary increase may not be "seen" in the form of increased take-home pay but it would have been noticed in an enforced reduction in take-home pay that would have shown up on individual paychecks if the County hadn't taken this action.

Motion unanimously carried (4-0-1).

SETTLEMENT PAYMENT WITH PERSONNEL DATA SYSTEMS, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of \$35,000 between the parties of Personnel Data Systems, Inc., v. Maricopa County. (Discussed in Executive Session on June 30, 2003.) (C35030300) (ADM409)

AMENDMENT TO THE ARIZONA KARTING ASSOCIATION'S SPECIAL USE AGREEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Arizona Karting Association's Special Use Agreement thereby revising the legal description for the Adobe Dam Recreation Area property currently under assignment. A new agreement with the Arizona Karting Association (AKA) was approved by the Board in May of 2002. This new agreement has allowed AKA to continue its use of the same Adobe Dam Recreation Area property as a Kart Racetrack facility. However, it has recently been discovered that there is a

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discrepancy in the legal description that was included with the new agreement, when the Board approved it. As such, an amendment is now needed to ensure that the correct legal description is made part of AKA's current agreement. (C3002047B01)

APPLICATIONS TO ARIZONA STATE LANDS DEPARTMENT

Motion was made by Supervisor Stapley and seconded by Supervisor Wilcox to approve the recommendation from The Maricopa County Trail Commission to submit an application to the Arizona State Lands Department to acquire right-of-way across state land that lies within Phase One, Segments 4 and 5 of the approved Maricopa County Trail System Plan. (C3003028B) (ADM3205)

Supervisor Stapley said that Supervisor Kunasek had been very instrumental in leading the movement towards establishing a County Trails System and getting the acquisition of these rights-of-way was a big step in forwarding this project.

Supervisor Kunasek responded that this was indeed a big step and would essentially acquire the long segment of land between Lake Pleasant Regional Park to I-17 and this, in addition to lands acquired from the I-17 to Cave Creek Recreation area, will build a bridge across the northern segment of the County.

The motion carried unanimously (4-0-1).

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials:

- 03031-C GUARD RAILS AND ACCESSORIES** (\$150,000 est./three (3) year (s) with 2 one-year renewal options)
Pricing agreement to purchase guard rails and accessories for use by the Department of Transportation in maintenance of streets, roads and highways.
- American Fence & Security Inc.

Sole Source:

A sole source procurement to Motorola for the maintenance and support of the County's SmartZone® 800 MHz public safety radio system. This system provides two-way radio communications for the Maricopa County Sheriff's Office and other County departments as well

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as the cities of Scottsdale, Surprise, Fountain Hills, and Paradise Valley. The system is compliant with APCO Project 16 technical standards, and the Motorola SmartZone® Controller and all related system and radio software are proprietary to Motorola. SmartZone® service includes 24/7 telephone support via Motorola's System Support Center as well as on-site support by trained Motorola technicians. The maintenance request will not exceed the Department of Telecommunications budgetary authorization. This sole source request has been advertised in accordance with the County's sole source procurement procedures. (C73031171)

Contract Extensions:

Extend the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until JULY 2004

99045-SC TEMPORARY PERSONNEL SERVICES (\$550,000 est/one (1) year)

Recommendation for one (1) year renewal of pricing agreement for Temporary Personnel Services as requested by various using agencies.

- First Employment Services
- Kelly Services
- Staffmark Inc-West

00089-R VEHICLE RENTAL (1,500,000 est thirty-two (32) months)

Extend the pricing agreement for the remainder of its term to provide rental vehicles to the Sheriff's Office as needed for administrative and undercover operations.

- Fox Rent A Car Inc

CAPA:

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

PUBLIC HEALTH

Deborah Ramon

MATERIALS MANAGEMENT

Sharon L. Tohtsoni

SCHOOLS

Kimbarley Meyer

PARKS & RECREATION

Roxana Rojo

Pete November

Phillip Martin

CLERK OF THE BOARD

Sondra Acedo

COUNTY ATTORNEY

Jennifer Ellis

ASSESSOR

Linda Shaffer

FACILITIES MANAGEMENT

Virginia Byrd

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the kennel permit renewal for Wilma Freeman, DVM, dba Wilma Freeman DVM, 10837

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West Miami Road, Tolleson, Permit No. 077 for the term of July 2, 2003, through July 1, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. (C7903059C) (ADM2304)

AGREEMENTS TO RESCUE ANIMALS ELIGIBLE FOR THE NEW HOPE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve agreements between the following and Maricopa County to rescue animals eligible for the New Hope Program. The term of the Agreement is from July 2, 2003 through July 1, 2006.

- a) Arizona Golden Retriever Connection, a 501(c)3 non-profit corporation, 9920 South Rural Road, No. 108 PMB 23, Tempe. (C79030581)
- b) Arizona Basset Hound Rescue, Inc., a 501(c)3 non-profit animal welfare charities, P. O. Box 3056, Gilbert. (C79030601)

AMENDMENT TO NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to the non-financial Intergovernmental Agreement (IGA), between the Arizona Board of Regents for and on behalf of Arizona State University East (ASU East) and Maricopa County on behalf of the Maricopa County Human Services Department. This agreement is to provide Head Start and Early Head Start programs with classroom facilities and playgrounds. The term of the amendment is extended from June 30, 2003, until June 30, 2004. (C2298064202)

AMENDMENTS TO EXPENSE CONTRACTS/INTERGOVERNMENTAL AGREEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following amendments to expense contracts/intergovernmental agreements for the provision of Workforce Investment Act (WIA) Title IB Youth Services, extending the contract term from the current expiration date of June 30, 2003, to September 30, 2003. These amendments are effective July 1, 2003. Funding is federal WIA funds provided to Maricopa County by the Arizona Department of Economic Security do not contain any County general funds.

- a) Amendment No. 4 to expense contract with Arizona Call-A-Teen, increasing the total contract funding by \$124,217 (from \$2,001,668 to \$2,125,885). (C2201118104)
- b) Amendment No. 3 to expense contract with Chandler Public Schools, increasing the total contract funding by \$20,889 (from \$243,085 to \$263,974). (C2202118203)
- c) Amendment No. 3 to expense intergovernmental agreement with Gilbert Public Schools, increasing the total contract funding by \$20,889 (from \$243,085 to \$263,974). (C2202119003)
- d) Amendment No. 5 to expense intergovernmental agreement with the Town of Guadalupe, increasing the total contract funding by \$16,949 (from \$306,615 to \$323,564). (C2202120205)

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- e) Amendment No. 3 to expense intergovernmental agreement with Mesa Public Schools, increasing the total contract funding by \$27,851 (from \$310,772 to \$338,623). (C2202121203)
- f) Amendment No. 2 to expense intergovernmental agreement with the City of Scottsdale, increasing the total contract funding by \$18,102 (from \$216,001 to \$234,103). (C2202122202)
- g) Amendment No. 3 to expense contract with the City of Tempe, increasing the total contract funding by \$22,280 (from \$256,615 to \$278,895). (C2202123203)

AMENDMENTS TO INTERGOVERNMENTAL AGREEMENTS REGARDING COMMUNITY ACTION PROGRAMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following amendments to intergovernmental agreements for the continued operation of Community Action Programs to help low-income, high-risk and special needs residents achieve economic self-sufficiency. The amendments are contingent upon the final approval of the County's FY 2004 budget, and the receipt of a fully executed agreement between Maricopa County and the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue these programs beyond the terms of the amendments. The amendments to the intergovernmental agreements require the contractors to develop and implement programs and services that address the following goals; Securing and Maintaining Employment, Securing Adequate Education, Better Income Management, Securing Adequate Housing, Providing Emergency Services, Improving Nutrition, Creating Linkages Among Anti-Poverty Programs; and Achieving Self-Sufficiency.

- a) Amendment No. 2 will provide the City of Avondale funding in a not-to-exceed amount of \$108,590, for the period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$72,459) and Maricopa County (\$36,131). (C2202046202)
- b) Amendment No. 2 will provide the Town of Gila Bend funding in a not-to-exceed amount of \$75,213 for the period of July 1, 2003 through June 30, 2004. Funding is being provided by the Arizona Department of Economic Security (\$50,187) and Maricopa County (\$25,026). (C2202051202)
- c) Amendment No. 2 will provide the City of Glendale for the continued operation of a Community Action Program to help low-income, high-risk and special needs residents achieve economic self-sufficiency. The amendment will provide the City of Glendale funding in a not-to-exceed amount of \$159,610, for the period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$106,504) and Maricopa County (\$53,106). (C2202052202)

AMENDMENT TO CONTRACT WITH FOUNDATION FOR SENIOR LIVING, INC. (FSAL)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 7 to exercise option year two (of two one-year options) with the Foundation for Senior Living, Inc. (FSAL) to renew their contract for an additional one-year period from July 1, 2003,

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to June 30, 2004. The funding amount of \$517,346 is passed through to FSAL and is intended to support the operation of the low-income home weatherization and minor home repair program. These resources are provided to Maricopa County by Arizona Public Service, Southwest Gas, the Department of Energy and the Department of Health and Human Services. There is no long-term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There is no County General funds involved in this contract. (C2202103107)

AMENDMENTS TO NON-FINANCIAL INTERGOVERNMENTAL AGREEMENTS WITH ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment Nos.1 to non-financial Intergovernmental Agreements between the Arizona Department of Juvenile Corrections on behalf of the following facilities and Maricopa County Human Services Department regarding certain facilities and services related to the facilities. The facilities will provide space for socialization and security for Early Head Start staff and other participants. The term of the agreements is extended from July 1, 2003, to June 30, 2004.

- a) Black Canyon School, for the provision of an on-site Early Head Start program planned for select female youth. (C2202131201)
- b) Adobe Mountain, for a "home-based" program for select male youth. The Maricopa County Early Head Start program will provide comprehensive services with the focus on the eligible male fathers as a primary contributor to their child's overall growth and development. (C2203112201)

INTERGOVERNMENTAL (EXPENSE) AGREEMENT WITH QUEEN CREEK UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental (expense) Agreement with Queen Creek Unified School District for the provision of food catering to participants in Maricopa County's Head Start program. The IGA represents a fixed price agreement per each meal and snack served for an amount not to exceed \$23,862. The IGA requires Queen Creek Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. Funding for the IGA is derived from the Arizona Department of Education (via the U.S. Department of Agriculture's Child/Adult Care, School Breakfast and the National School Lunch programs), and the U. S. Department of Health and Human Services. The term of the IGA is July 2, 2003, through June 30, 2004. This agreement does not include any County General Funds. (C22040092)

INTERGOVERNMENTAL AGREEMENT WITH SCOTTSDALE UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) with Scottsdale Unified School District for the provision of food catering to participants in Maricopa County's Head Start programs. The IGA represents a fixed price agreement per each meal and snack for an annual amount not to exceed \$70,927. The IGA requires Scottsdale Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. Funding is provided by the Arizona Department of Education (via the U.S. Department of Agriculture's Child/Adult Care Food Program, School Breakfast Program, and the National School Lunch Program), and the U. S. Department of Health and Human Services. The term of the IGA is

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October 1, 2003, through September 30, 2004. This agreement does not include any County General Funds. (C22040112)

NON-FINANCIAL MEMORANDUM OF UNDERSTANDING WITH ALL WORKFORCE INVESTMENT ACT SYSTEM PARTNERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a non-financial Memorandum of Understanding (MOU) with all Workforce Investment Act (WIA) system partners and the Maricopa Workforce Connection, the local workforce board for the Maricopa County workforce investment area. The MOU, as required by the Workforce Investment Act, Public Law 105-220, Sec. 121 (c), establishes the terms and conditions among the partners within the Maricopa Workforce Connection One-Stop Career Center System, establishes a cooperative working relationship between the partners, and defines roles and responsibilities with respect to implementation of a One-Stop Career Center Project. The term of this MOU shall commence on July 1, 2003, shall be binding upon each party hereto upon execution by such party, and shall be automatically renewed thereafter on a year-to-year basis, unless any party gives notice of non-renewal at least ninety (90) days prior to an anniversary date. (C2204084M) (ADM2512)

APPLICATION AND ACCEPTANCE OF FUNDING FROM U.S. DEPARTMENT OF LABOR

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the application and acceptance of, not-to-exceed, \$750,000 from the U.S. Department of Labor (USDOL) for a customized employment initiative demonstrating project designed to increase the employment choice and wages for individuals with disabilities. The initial period of performance, if awarded, will be one year, anticipated to begin in October 2003. The grant may be renewed for a period of up to four additional years. Approve, upon award of the grant funds, an appropriation adjustment to Human Services Department Grant Fund (Agency 221 /Fund 222) of revenues and expenditures in the amount of the funds awarded by the Department of Labor, not to exceed \$750,000. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C22040803LI)

AMENDMENT TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C. (MedPro)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to contract with Medical Professional Associates of Arizona, P.C., ("MedPro") for the provision of professional medical services to the Maricopa County Department of Public Health (MCDPH) and its clientele. The amendment provides an increase for psychiatric nurse practitioner services, from \$67 per hour to \$74 per hour for the contract term ending September 30, 2003. The amendment also adds \$1,960 in funding to cover the additional cost for the higher rate through September 30, 2003. (C8602084102)

AMENDMENT TO CONTRACT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 to the contract with Arizona Board of Regents, for and on behalf of Arizona State University and ASU's Community Health Services to continue to provide Well Women Health Check services to uninsured or underinsured women. The amendment increases the contract

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dollar amount by \$19,000. Total funding for the contract term ending September 30, 2003, will increase from \$32,440 to \$51,440. All other terms and conditions remain unchanged. (C8603074101)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement No. HG361221 with the Arizona Department of Health Services (ADHS) to provide dental sealant and data collection services. The amendment increases the FY04 funding level by \$72,974. Funding for the budget term ending December 31, 2003, will increase from \$209,994 to \$282,968. Approve an appropriation adjustment to Department of Public Health Grants (Department 860/Fund 532), to increase revenues and expenditures by \$72,974 due to net changes in grant revenues from the Arizona Department of Health Services. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of this fund are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C8603097201)

CORRECTION REGARDING INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a correction to a Board of Supervisors action taken on March 5, 2003, regarding an Intergovernmental Agreement (IGA) with the Arizona Department of Health Services (ADHS) for the purchase of HIV pharmaceuticals. The original agenda incorrectly identified the IGA amount as not-to-exceed \$48,894. Total funding for this IGA, as enumerated on the contract cover page, is not-to-exceed \$125,000 for the budget term ending February 29, 2004. (C8603717201)

LEASE WITH CITY SQUARE ASSOCIATES, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute full service Lease No. L7338 with City Square Associates LLC, a Delaware limited liability company, Lessor, for 12,417 square feet of office space at 3838 North Central Avenue, Suite 1600. The premises will be used by the Maricopa County Tobacco Use Prevention Program. The lease term is for 36-months commencing September 1, 2003, and expiring August 31, 2006. Annual rent for the first two years is \$160,800.15, or \$12.95 per square foot, and for the third year it is \$195,567.75, or \$15.75 per square foot, plus rental tax of 2.4% on all rental amounts. This lease is grant funded and contains an annual termination provision with no penalty in the event of non-appropriation of funds. (C86040094)

INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS – TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Intergovernmental Agreements, as follows, to provide school-based tobacco use prevention and education services. The terms of the agreements are from Board approval to June 30, 2004. In 1995, as a result of the Tobacco Tax Initiative, the Arizona Legislature authorized the Arizona Department of Health Services to develop community tobacco prevention and cessation programs. The Maricopa County Department of Public Health works with ADHS to identify strategies and implement school-based tobacco use prevention and education services for the unserved areas of Maricopa County. Funding for these agreements is provided by a grant from ADHS and will not increase the County general fund budget.

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- a) Littleton Elementary School District, for a contract dollar amount not-to-exceed \$6,000. (C86043032)
- b) Saddle Mountain School District, for a contract dollar amount not-to-exceed \$2,000. (C86043152)
- c) Wickenburg Unified School District, for a contract dollar amount not-to-exceed \$2,000. (C86043202)
- d) Liberty School District, for a contract dollar amount not-to-exceed \$2,000. (C86043232)
- e) Union Elementary School District, for a contract dollar amount not-to-exceed \$2,000. (C86043252)
- f) Gilbert Unified School District, for a contract dollar amount not-to-exceed \$58,000. (C86043312)
- g) Creighton School District, for a contract dollar amount not-to-exceed \$14,000. (C86043412)
- h) Aguila School District, for a contract dollar amount not-to-exceed \$2,000. (C86043562)

ADJUSTMENT TO THE FY 2003-2004 ADOPTED BUDGET

In accordance with ARS §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an adjustment to the FY 2003-2004 Adopted Budget that will result in an expenditure budget transfer of \$2,000,000 from General Government General Fund Reserved Contingency - Technology Reserve (4711), to a new line item in General Fund Other Programs (4712) titled Desktop PC Replacement Program. (C41040018) (ADM2705)

CHANGE ORDER TO CONTRACT WITH TARGET GENERAL, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Change Order No. 19 to Contract JE01-02 with Target General, Inc. in the amount of \$289,243.00. This contract is for the construction of the Lower Buckeye Jail Adult Detention Facility. This change order incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4001010002)

CHANGE ORDERS TO CONTRACT WITH MCCARTHY BUILDING COMPANIES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Change Order Nos. 17 and 18 to Contract JE01-04 with McCarthy Building Companies in the amount of \$236,081 and \$238,064 respectively. This contract is for the construction of the 4th Avenue Jail Adult Detention Facility. These change orders incorporate various changes required to complete construction and allow occupancy. The increase is within the project budget. (C4001011001)

CONTRACT WITH HOLDER CONSTRUCTION COMPANY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and authorize the execution of Contract CFD02-06, with Holder Construction Company, of Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the amount of \$196,816. This contract is to provide Maricopa County Public Health Clinic and Environmental Services Facility Construction Manager-(CM)-at-Risk Design Phase Services. The contract is scheduled to take four months for design phase services. At some point during design, prior to construction, Holder Construction

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will be requested by the County to provide a Guaranteed Maximum Price (GMP) for construction of the Public Health Clinic and Environmental Services Facility. The GMP construction phase of the contract will be presented to the Board of Supervisors for their approval prior to start of construction. (C40030205)

SECOND PHASE OF CONTRACT WITH DURRANT OF PHOENIX

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and authorize the execution of the second phase of Contract CFD 02-01, with Durrant of Phoenix, Arizona, in substantially the form attached, subject to review by the Maricopa County Attorney and final signature by the Chairman of the Board of Supervisors, in an amount not-to-exceed \$4,200,000. The second phase of this contract is to provide design, construction documents, and construction administration services for the new approximately 400,000 square foot Administrative Building, referred to as the "Blue Building" in the 2002 Downtown Strategic Occupancy Plan. The project is expected to take a total of 30 months to complete design and construction. (C40030215)

INTERGOVERNMENTAL AGREEMENTS WITH 24 CITIES/TOWNS FOR DISASTER AND EMERGENCY MANAGEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Intergovernmental Agreements for Disaster and Emergency Management between Maricopa County and the following 24 cities and towns. Terms of the agreements begin from the date of execution until June 30, 2013. FY 2004 revenue from the cities and towns will be \$215,343. (C15040012ZZ)

Avondale	\$ 2,700.91	(C15040022)
Buckeye	492.04	(C15040032)
Carefree	220.31	(C15040042)
Cave Creek	280.61	(C15040052)
Chandler	13,291.23	(C15040062)
El Mirage	572.73	(C15040072)
Fountain Hills	1,523.09	(C15040082)
Gila Bend	149.03	(C15040092)
Gilbert	8,256.88	(C15040102)
Glendale	16,463.95	(C15040112)
Goodyear	1,423.43	(C15040122)
Guadalupe	393.51	(C15040132)
Litchfield Park	286.78	(C15040142)
Mesa	29,835.09	(C15040152)
Paradise Valley	1,028.49	(C15040162)
Peoria	8,156.54	(C15040172)
Phoenix	99,434.87	(C15040182)
Queen Creek	324.86	(C15040192)
Scottsdale	15,257.58	(C15040202)
Surprise	2,321.92	(C15040212)
Tempe	11,939.68	(C15040222)
Tolleson	374.39	(C15040232)
Wickenburg	382.52	(C15040242)
Youngtown	226.56	(C15040252)

CALL FOR BIDS AND AWARDS – VARIOUS PROJECTS

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt plans and specifications, authorize call for bids, and award construction contracts to the lowest responsive responsible bidders provided that the bids are not more than 10% over the architect's estimate for the following projects:

- a) Renovation of the Buchanan Street Warehouse, Building No. 6202, Project No. 2002303256, located at 319 West Buchanan Street, Phoenix. The project is funded in the FY 2003-2004 Major Maintenance Program budget, Fund 100, Agency 480, Organization 4832, and Object Code 0915.01 – Project No. 2002320196 and FY 2003-2004 Capital Improvement Program, Fund 422, Agency 477, Organization 4713, Object Code 0915.01 – Project No. 2002303256. (C70040015)
- b) Security Building Interior Abatement and Demolition (Basement, Floors 1,4, 5, 6, 7, 8, and 9), Building No. 4157, Project No. 2000131164, located at 234 North Central Avenue, Phoenix. The project is funded in the FY 2003-2004 Capital Improvement Program budget, Fund 445, Agency 479, Organization 4713, and Object Code 0915.01. (C70040025)

EASEMENTS AND RIGHTS-OF-WAY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

- | | |
|------------------|--|
| A082.003
(AC) | Project No: 69010 - Dixelela Drive (171th Avenue - 163rd Avenue) – Agreement for Right of Entry - Parcel No. 503-51-137A - Frank G. Losada and Cecilia E. Losada - for the sum of \$500.00. |
| A082.005
(AC) | Project No: 69010 - Dixelela Drive (171th Avenue - 163rd Avenue) – Agreement for Right of Entry - Parcel No. 503-51-199 - Ted A. Chittenden and Joyce A. Chittenden - for the sum of \$500.00. |
| A215.001
(CS) | Project No: 69010 - Stacey Road (164th - Higley Road) – Easement and Agreement for Highway Purposes - Parcel No. 304-86-007E - Fillipe J R Quintana - for the sum of \$17,424.00. |
| A215.001
(CS) | Project No: 69010 - Stacey Road (164th - Higley Road) – Purchase Agreement and Escrow Instructions - Parcel No. 304-86-007E - Fillipe J R Quintana. |
| A231.005
(AC) | Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Easement and Agreement for Highway Purposes - Parcel No. 219-26-149 – Mark S. McLynn and Lynn A. McLynn - for the sum of \$8,119.00. |
| A231.005
(AC) | Project No: 69010 - 80th Street (Hermosa Vista Drive – McDowell Road) - Purchase Agreement and Escrow Instructions - Parcel No. 219-26-149 – Mark S. McLynn and Lynn A. McLynn. |
| A238.001 & | Project No: 69010 - Hermosa Vista Drive (80th Street - Hawes Road) –Easement and |

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- A238.002 (AC) Agreement for Highway Purposes - Parcel No. 219-26-005B & 005C - B.S.J. Properties, L.L.C. - for the sum of \$130,000.00.
- A238.001 & A238.002 (AC) Project No: 69010 - Hermosa Vista Drive (80th Street – Hawes Road) -Purchase Agreement and Escrow Instructions - Parcel No. 219-26-005B & 005C - B.S.J. Properties, L.L.C.
- DD-9430 (RN) R/W Dedication – Ratification of Quit-Claim Deed – Parcel Nos. 300-15-14N, 112, 113, 104, 103, 77, 78, 36A, 14Z, 31, 14R, 30, 37, 14J, 35, 34F, 34E, 14E, 75, 74 - Belan Enterprises, Inc., an Arizona corporation.
- X-1602-1 (LJS) Project No: 68840 - Estrella IIB (El Mirage to Lake Pleasant Road) - Temporary Construction Easement and Agreement for Highway Purposes – Parcel No. 201-21-023C - David J. Kalkbrenner and Cheryl Kalkbrenner - for the sum of \$500.00.

AMENDMENTS TO ON-CALL SURVEYING SERVICES CONTRACTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following Amendment Nos. 1 to On-Call Surveying Services contracts, extending the performance period by one year through June 30, 2004, without increasing the contract amounts.

- a) Wood, Patel & Associates, Contract No. CY 2002-69 (C6402278501)
- b) RBF Consulting, Contract No. CY 2002-68 (C6402279501)

EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an easement from Maricopa County to Salt River Project Agricultural Improvement and Power District for the granting of a powerline easement to allow for the relocation of their facilities. The current facilities are in conflict with MCDOT Project 68859 – McClintock Drive (Red Mountain Freeway to McKellips Road). (C64032655) (ADM2013)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

AMENDMENT TO THERAPY CONTRACT WITH NOVACARE OUTPATIENT REHABILITATION WEST, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 3 to the therapy contract with NovaCare Outpatient Rehabilitation West, Inc. to:

- a) extend the contract for one year, from August 1, 2003, through July 31, 2004, making the aggregate term August 5, 1999, through July 31, 2004,
- b) retroactively approve the addition of \$128,251 to the current not-to-exceed amount of \$50,000 to bring the not-to-exceed amount to \$178,251 through July 31, 2003,

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- c) fund the extension by adding \$120,920 to the amended not-to-exceed amount of \$178,251, making the new not-to-exceed amount \$299,171.

The contract may be extended up to a total term of five years, and either party may terminate the contract with 90-days written notice. (C6000002103)

AMENDMENT TO CONTRACT WITH VALLEY RADIATION ONCOLOGY, LTD.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 3 to a contract with Valley Radiation Oncology, Ltd. for the provision of Radiation Oncology Services. This amendment extends the contract through January 31, 2005, making the term of the contract February 16, 2000, through January 31, 2005, and increases the not-to-exceed amount by \$1,056,110 from \$915,500 to \$1,971,610. The rate remains \$5,750 per case. This contract contains a 90-day termination for convenience provision. (C6000027103)

AMENDMENT TO PHARMACY SERVICES POOL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 for Pharmacy Services Pool for the purpose of correcting errors in agenda C60030861. The corrections are as follows: (C6003086101)

- a) The combining of the HCBS Pool and Residential Pharmacy Pool is \$58,051,000 not \$51,051,000
- b) therefore the increase in not-to-exceed is \$20,723,664 not \$27,723,664. The not-to-exceed of \$78,774,664 remains unchanged for the pool of funds for all Pharmacy Services established in agenda C60030861.

CREATION OF SKILLED HOME HEALTH SERVICES POOL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the creation of a Skilled Home Health Services pool with a not-to exceed amount of \$12,448,000 effective August 1, 2003, through July 31, 2005. Included under this not-to-exceed pool are the following contracts. (C60034641)

- a) Professional Nursing Staffing Services will be the single contractor providing services to HealthSelect, Maricopa Senior Select Plan, and Maricopa Health Plan members, and will be one of three contractors providing services to Maricopa Long Term Care Plan members. The proposed not-to-exceed pool amount for all three Skilled Home Health Care contracts is \$12,448,000 (see Agenda No. C60034641). The contract term is August 1, 2003, through July 31, 2005. The contract may be extended for a total term up to five years and may be terminated with 90-days written notice by either party. (C60034611)
- b) Centrum Healthcare will be one of three contractors providing services to Maricopa Long Term Care Plan members. The proposed not-to-exceed pool amount for all three Skilled Home Health Care Contracts is \$12,448,000 (see Agenda No. C60034641). The contract term is August 1, 2003, through July 31, 2005. The contract may be extended for a total term up to five years and may be terminated with 90-days written notice by either party. (C60034621)

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- c) FSAL Programs will be one of three contractors providing services to Maricopa Long Term Care Plan members. The proposed not-to-exceed pool amount for all three Skilled Home Health Care Contracts is \$12,448,000 (see Agenda No. C60034641). The contract term is August 1, 2003, through July 31, 2005. The contract may be extended for a total term up to five years and may be terminated with 90-days written notice by either party. (C60034631)

ADD 50 PRIMARY CARE PHYSICIAN CONTRACT SLOTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve additional 50 primary care physician contract slots under the following contract numbers: C60040021 through C60040511. Each contract number is reserved for an additional primary care physician. When the slots are filled, the term of each contract is for three years. Primary care physicians are added as they are credentialed by Maricopa Integrated Health System Health Plans (MIHS-HP). The initial contract term is three years and may be extended for additional periods, not-to-exceed ten years. The total not-to-exceed amount for each contract will be a percentage of the Primary Care Services pool of \$7,055,182.76 as approved by the Board under Agenda C60021881ZZ on June 10, 2002. Either party may terminate the agreement upon 90-days prior written notice. (C60040010ZZ)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH BUCKEYE VALLEY FIRE DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Intergovernmental Agreement between the Buckeye Valley Fire District and Maricopa Integrated Health System for Emergency Base Station Services. This amendment will extend the agreement term one-year from July 1, 2003, through June 30, 2004. This agreement may be terminated by either party by providing 30-days written notice. This is a non-financial agreement. (C9002029202)

INTERGOVERNMENTAL MASTER AFFILIATION AGREEMENT WITH ARIZONA STATE HOSPITAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to retroactively approve an Intergovernmental Master Affiliation Agreement between Maricopa Integrated Health System (MIHS) and Arizona State Hospital (ASH) to provide an opportunity for participants in the graduate or clinical medical education training or fellowship programs of both parties to engage in training, patient care and/or research at the other party's health care facilities. Also approve an Addendum to the Master Affiliation Agreement with Arizona State Hospital (ASH) to provide an opportunity for 1 resident at the PGY2 level in the Child Psychiatry Residency Program to rotate to the ASH Adolescent Treatment Unit J3 for 10-20 weeks to gain clinical experience in Adolescent Inpatient Psychiatry. The initial term of the Master Affiliation Agreement and the Addendum is from July 24, 2002, to July 23, 2007, and may be automatically renewed for one additional five year term unless terminated by either party for cause with 30-days advance written notice or without cause with 365 days advance written notice. The stipend, medical benefits, transportation costs, housing costs, and medical licensure or registration arrangements and costs for MIHS' Program Participants will be borne by MIHS pursuant to its applicable policies and procedures. (C90030452)

INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF GUADALUPE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a new Intergovernmental Agreement between Maricopa Integrated Health System and the Town of Guadalupe for Base Station Hospital Services. Term of the agreement is upon execution through March

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31, 2004. This agreement may be renewed annually with the execution of a written amendment signed by both parties. This agreement may be cancelled by either party with 30-days written notice. This is a non-financial agreement. (C90035782)

TEMPORARY SUPPORTIVE CLERICAL SERVICES CONTRACT POOL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a not-to-exceed pool amount of \$3,810,840 for all Temporary Supportive Clerical Services Contracts. These services are applicable to both MIHS Health Plans and Hospital. The initial five contracts are effective upon approval of the Board of Supervisors through July 2, 2005. The five contracts are: (C90040061)

- a) AppleOne Employment Services (C90040011)
- b) Healthcare Resource Group (C90040021)
- c) PrimeStaff, L.L.C (C90040031)
- d) SOS Staffing dba PAMS Employment (C90040041)
- e) Talent Tree, Inc. (C90040051)

This not-to-exceed pool contains both Health Plan and Hospital temporary clerical services. The contracts may be extended up to a total term of five years and may be terminated with 90-days written notice by either party.

CONTRACTS FOR PHLEBOTOMIST SERVICES AND ESTABLISHMENT OF POOL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve ten slots and six new contracts with the following and Maricopa Integrated Health System (MIHS) for the provision of Phlebotomist Services. Also establish a not-to-exceed pool of \$250,000 annually for all Phlebotomist Services contracts. (C90040101ZZ)

- Cathy Ontiveros (C90040111)
- Paul Sanford (C90040121)
- Angela Marsalla (C90040131)
- Rudy Benavidez (C90040151)
- Cheryl Gonzales (C90040161)
- Lisseth Rodriguez (C90040171)

These contracts will provide the MIHS Laboratory with blood draw services to be performed at contracted nursing and hospice facilities, various in-home health locations and Desert Vista on a per draw basis. The contracts are effective for a period of one year from July 2, 2003, through July 1, 2004, with four additional annual renewal options. Either party may terminate the contract with 90-days written notice to the other party. (C90040181 through C90040271)

HEARING SET – CODE ENFORCEMENT REVIEW – LUANNE AND KAREN FERNICOLA

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Item: Determine if oral argument will be permitted in the review of the Hearing Officer's Order of Judgement in Zoning Code Violation Case No. V2002-00953, Luanne and Karen Fernicola, and schedule a public hearing for 9:00 a.m., Wednesday, July 30, 2003. (ADM3417-18)

Supervisor Wilcox said that these property owners live out of state and have not attended any of the meetings or notified anyone of their intent to attend in the future. She recommended that no oral arguments be heard and that a determination be made based on the transcript only. She indicated that if they do return this could be reversed at the time of the hearing. Mr. Benton agreed that it could be decided on the record.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule this public hearing for 9:00 a.m., Wednesday, July 30, 2003, and to hear this case on the evidence contained in the transcript of the hearing rather than by oral argument.

HEARING SET – FRANCHISE BY BEARDSLEY WATER COMPANY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, August 13, 2003, on an application for continuation of existing franchise, filed by Beardsley Water Company for a public service franchise to construct, maintain and operate a domestic water distribution system, consisting of pipe lines, meters, connections, and all necessary equipment; and irrigation water distribution system, consisting of pipe lines, ditches, gates and all necessary equipment; and a sewage system, consisting of lines, connections, manholes and all necessary equipment within the area of Sections 2 and 3, T4N, R2W, within Maricopa County. (F17240)

HEARING SET – PARKS AND RECREATION – RULES AND REGULATION REVISION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, August 13, 2003, on the Revised Maricopa County Parks & Recreation Department's Rules and Regulations. If approved by the Board, the Revised Rules and Regulations will be effective on August 13, 2003. These revised rules were unanimously approved by the Parks & Recreation Advisory Commission on June 10, 2003. (C30030266) (ADM3210)

HEARING SET – ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule a hearing for 9:00 a.m., Wednesday, July 30, 2003:

Road File A238R: General vicinity of Hermosa Vista Drive, from 80th Street to Hawes Road. (C6403054501)

Road File A250: General vicinity of 239th Avenue from Jomax Road to Patton Road. (C64040025)

Road File A273: General vicinity of Rainbow Trail from Airport Road to Tuthill Road. (C64040045)

Road File A275: General vicinity of 15th Avenue from Irvine Road to Deseret Hills Drive. (C64040035)

Road File A284: General vicinity of Elliot Road from the south line of Section 9 (also known as the alignment for Ceton Road) to 27th Avenue. (C64032685)

HEARINGS SET – PLANNING AND DEVELOPMENT – STREET NAME CHANGE

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule public hearings for 9:00 a.m., Wednesday, August 13, 2003, to change the street name on the following. The request is made by Pulte Home Corporation to correct an error in the plat of Corte Bella Country Club, Phase One Unit One in Sun City West, Arizona:

- i. Palomares Drive to La Vina Drive (C44030237) (ADM2018)
- ii. Sonora Drive to Las Alturas Drive (C44030247) (ADM2018)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for July 30, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2002-092

MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held April 14, 24, 28, May 5, and 7, 2003.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

OFFICIAL APPOINTMENT AND OATH OF OFFICE – CLERK OF THE BOARD

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the Official Appointment and Oath of Office of Sondra Acedo, as special deputy clerk in the Office of the Clerk of the Board.

NACo ANNUAL CONFERENCE

Item: Authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host.

To date no commitments or donations have been received. (C2003015M) (ADM652)

SECURED TAX ROLLS

There were no requests from the Assessor for corrections of the Secured Tax Rolls at this time. (ADM705)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the reissuance of

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duplicate warrants to replace county warrants and school warrants which were either lost or stolen, as follows: (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
George Rutledge	C046117	General	\$85.00
Christina Tomoiaga	C054646	Payroll	\$649.44
Margaret Harcarik	23055882	General	\$811.59
Paul Aros	22044810	Payroll Clearing Account	\$301.93
Amer Abushanab	3-2-0552830	Expense Fund	\$605.00
John Braden	C054624	Payroll	\$212.40

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Phoenix Elem. School Dist. #1	Phoenix Elem. School Dist. #1	1082204	\$573.48
Phoenix Elem. School Dist. #1	Phoenix Elem. School Dist. #1	1082253	\$226,428.71
NAEYC Institute Registration	Phoenix Elem. School Dist. #1	43-95975	\$915.00
Irma Barrientos	Alhambra School Dist	13-0145862	\$277.94
James H Haugen	Roosevelt School Dist #66	130141015	\$3,350.19
Red Eagle	Agua Fria High School	43-0115790	\$216.29
Daniel Estrada	Phoenix Elem. School Dist	13-0147389	\$310.85

STALE DATED WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Mary Jane Falk	\$53.13
Jennifer E Prince	\$549.04
Margarita Lopez	\$187.62
Edward J Maney	\$19.12
Donald A Osell	\$16.63
Barbara E Briody	\$433.12
Helen Miller for Midland Mtg.	\$98.94
Amy K Boise	\$306.38
Earl Craig	\$538.21
Diane L Schell	\$39.68

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated July 2, 2003. (ADM704)

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ST 2002-000108

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2003

ST 2002-000096
ST 2002-000097
ST 2002-000137
ST 2002-000209
ST 2002-000305
TX 2002-000446

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Assessor's recommended classification changes and/or reduction of the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
161-10-123a	2000	Robert Stone	Lc/4	Lc/3
161-10-123a	2001	Robert Stone	Lc/4	Lc/3
161-10-123a	2002	Robert Stone	Lc/4	Lc/3
161-10-124a	2000	Maxine Blecher	Lc/4	Lc/3
161-10-124a	2001	Maxine Blecher	Lc/4	Lc/3
161-10-124a	2002	Maxine Blecher	Lc/4	Lc/3
206-12-089	2000	Robert Van Riper	Lc/4	Lc/3
206-12-089	2001	Robert Van Riper	Lc/4	Lc/3
206-12-089	2002	Robert Van Riper	Lc/4	Lc/3
207-33-500	2000	Susan B Irons	Lc/4	Lc/3
207-33-500	2001	Susan B Irons	Lc/4	Lc/3
207-33-500	2002	Susan B Irons	Lc/4	Lc/3
214-64-029	2000	Arnulfo Galindo	Lc/4	Lc/3
214-64-029	2001	Arnulfo Galindo	Lc/4	Lc/3
214-64-029	2002	Arnulfo Galindo	Lc/4	Lc/3
218-19-014	2000	Dannie Kerr	Lc/4	Lc/3
218-19-014	2001	Dannie Kerr	Lc/4	Lc/3
218-19-014	2002	Dannie Kerr	Lc/4	Lc/3

COMPROMISES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held June 16, 2003.) (ADM407)

David Andrews	\$ 4,000.00	Lloyd Barkdoll	\$ 3,000.00
Ignacio Daniel	4,000.00	David Keefer	3,200.00
Nikki Jo King	30,000.00	Ryan Miller	4,000.00
Cynthia Peterson	2,000.00	Alma Refugio	1,800.00

WRITE-OFFS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the requested write-off as payment in full for the following: (Discussed in Executive Session held June 16, 2003.) (ADM407)

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Louis Alanis	\$ 2,810.07	Stephen Ley	\$305.36
David Preda	79,250.43	Darren Streich	245.64

PUBLIC COMMENT

Paula Cullison, Arizona Women's Partnership, Inc., addressed concerns of various non-profits in the community whose funds have been reduced due to government and business cutbacks. Her organization holds several fundraisers yearly and donates the proceeds to groups helping at risk women and children. Their last function, "Wine, Women & Jazz" was held at the Ritz Carlton Hotel and showcased 20 prestigious female restaurateurs, caterers, wine experts and jazz vocalists from the Valley. Four days before the event she was informed by the County's Health Department that each of the prominent chefs who were donating their time and food to the charity event would be assessed an \$80 fee for a Special Event license. She said that this was the first time she had heard of such a fee in her eight-year history of producing charitable events. Feeling it was not "right" to charge the chefs who were making valid contributions to a charity, she paid the total assessment of \$960 out of the charity proceeds.

However, she stated that the evening's top embarrassment had taken place as the 400 attendees were arriving. Two representatives of the County's Health Department also appeared and began to quiz the 20-assorted chefs and their helpers about their cleanliness and hand washing techniques within view and hearing of those making their donation to attend the charity event. Ms. Cullison reported that she had not received any satisfaction in trying to address this matter with Al Brown, David Ludwig or others at the Health Department. She asked the Board to refund the \$960, so it might be given to the designated charities, and to waive any fees for their next planned charity event at the Orange Tree Gold Resort in Scottsdale on September 7. She also asked the Supervisors to consider amending the Health Code to avoid similar unwarranted and excessive behavior at future charity events. (ADM605)

SUPERVISORS' COMMENTS ON CURRENT EVENTS

Supervisor Wilson recalled personal memories of long-time Arizona Congressman Bob Stump, who passed away last Friday, saying he had been a friend, not only to everyone on the West side but to everyone in the State of Arizona. Bob Stump was raised in Tolleson, fought in the U.S. Navy in W.W.II, graduated from ASU and served in the Arizona House of Representatives from 1959 to 1967 followed by several terms in the Arizona State Senate. He was elected to the U.S. Congress in 1976 and served until his retirement in 2003. Supervisor Wilson added that because of Senator Stump's tireless support of veterans of the armed services, he is the only member of Congress who will have a street in Arlington National Cemetery named for him. (ADM606)

Supervisor Wilcox reported that the County's Adult Probation Internship Program, funded last year to get bi-lingual interns into this adult program, recently received a commendation and certificate from the Phoenix Youth and Education Commission for their work. She thanked Tony Lopez for doing a fine job in training these youths.

Chairman Kunasek declared a five-minute recess.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session (Chairman Brock was not in attendance). Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and David Benton, County Counsel, came

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forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2002-004 District 4**
 Applicant: Southwest Custom, L.L.C.
 Location: Approximately 641' north of San Tan Boulevard and 1,318' west of Ellsworth Road (in the Queen Creek area)
 Request: Final Plat in the Rural-43 zoning district for Citrus Coves (approximately 20.17 gross acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this final plat.

2. **S2002-072 District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Near Anthem Way and Anthem Ridge Drive (in Anthem)
 Request: Final Plant in the R1-6 R.U.P.D. zoning district for Anthem Unit 30 (approximately 52 net acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this final plat.

3. **S2002-081 District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Northeast corner of Anthem Way and Anthem Ridge Drive (in Anthem)
 Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 34 (approximately 150.76 acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this final plat.

4. **S2003-007 District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Northwest corner of Meridian Drive and Liberty Bell Way (in Anthem)
 Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 49 (approximately 26.69 gross acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this final plat.

5. **S2003-008 District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Northwest corner of Meridian Drive and Liberty Bell Way (in Anthem)
 Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 51 (approximately 112.99 gross acres)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this final plat.

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6. **Z 99-31** **District 5**
 Applicant: James Downing of The Harcuvar Company for Ken Polich
 Location: East side of 359th Ave., south of Indian School Rd. (in the Tonopah area.)
 Request: Special Use Permit (S.U.P.) for riding and roping arena and RV park - Ken's Arena
 and Horse Camp (f.k.a. Runner's Arena) (4.7 ac.)

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z 99-31, subject to the following stipulations "a" through "m". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in substantial conformance with the untitled site plan consisting of one 11" x 17" sheet with a second 8-½" x 11" reference page, un-dated but stamped received April 15, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in general conformance with the narrative report entitled "Runner's Arena and Horse Camp", consisting of two pages, stamped received March 30, 1999, as amended by the two-page memo from The Harcuvar Company dated July 20, 2001, except as modified by the following stipulations.
- c. Within six months of approval of this Special Use Permit by the Board of Supervisors and prior to zoning clearance, the property owner shall become a licensed Trailer Coach Park as required by the Maricopa County Health Code. If the property owner elects not to become a Trailer Coach Park, a revised site plan indicating the deletion of the RV Parking spaces will be required, said revision to be processed administratively under a separate case.
- d. Within six months of approval of this Special Use Permit by the Board of Supervisors and prior to zoning clearance, the property owner shall obtain a Variance to waive the screening requirement along the north side of the RV Parking Spaces. If it is decided that the RV Parking spaces are to be eliminated from the site plan as discussed in stipulation "c" above, this stipulation shall not apply.
- e. The property owner shall take the necessary steps to ensure that dust emissions emanating from the property do not exceed the maximum levels allowed. The property shall be subject to a two-year review period to monitor intensity of said dust emissions. After the two-year review period, the property owner shall make improvements necessary to mitigate said dust levels. A status report to this effect shall be submitted by the applicant to the Planning and Development Department.
- f. Should it be deemed that additional paving or similar impervious surfaces are required for this site, a drainage report in conjunction with a site plan, grading and drainage plan, and paving plans shall be submitted and approved prior to issuance of drainage clearance and building permit.
- g. The property owner shall obtain all necessary permits prior to commencing construction of any structures on the property. Any permit required as a condition of approval of BA2002113 shall be obtained within six months of approval of this Special Use Permit by the Board of Supervisors.

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- h. There shall be no signage other than what is otherwise allowed in the underlying zoning district. No signs shall be placed within the MCDOT right-of-way. Said signage shall comply with all zoning regulations with respect to size and location.
- i. The property owner shall clean all horse stalls once every other day and shall keep said manure within a tightly closed container. This container shall be hauled from the site on a weekly basis.
- j. A Status Report outlining the status of development shall be submitted prior to the second anniversary of the approval of the Special Use Permit by the Board of Supervisors. This Status Report may be approved by staff, or forwarded to the Commission for further action if it is deemed that the conditions of approval have not been met.
- k. This Special Use Permit shall expire fifteen (15) years from the date of approval of this request by the Board of Supervisors. Upon termination of this Special Use Permit, the use of the property must be consistent with the underlying zoning district.
- l. Major changes to the Plan of Development (site plan and narrative) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. For purposes of this Special Use Permit, revisions arising out of the deletion of the RV Parking spaces as discussed in stipulation "c" above may be considered administrative.
- m. Noncompliance with the Plan of Development (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action to reconsider this zoning approval.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this Special Use Permit subject to stipulations "a" through "m."

- 7. Z2002-078 District 4**
Applicant: Circle S Broadcasting Company, Inc. for Arizona State Land Department
Location: Approx. 3.0 miles south of the Town of Wickenburg on Vulture Mine Rd. (in the Wickenburg area)
Request: Renewal of a Special Use Permit (S.U.P.) for a radio tower/wireless communications facility in the Rural-43 zoning district, Cellular Use District 3 - Circle S Broadcasting (3.65 ac.)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-078, subject to the following stipulations "a" through "l". Commissioner Harris seconded the motion, which passed with a unanimous vote 8-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "PHO Vulture", consisting of two (2) full-size sheets prepared by L/D Architects, dated revised May 5, 2003, stamped by the Architect May 5, 2003, and stamped received May 5, 2003, except as modified by the following stipulations.

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- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative Report for Application for Renewal of Special Use Permit", consisting of five (5) pages, undated but stamped received July 3, 2002, except as modified by the following stipulations.
- c. The applicant shall obtain the necessary permits prior to the commencement of any site improvements. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Maricopa County Planning and Development Department for all structures on the property.
- d. The applicant shall pave that portion of the access to the site that lies within public right-of-way to meet minimum County standards.
- e. Prior to zoning clearance for any improvements, the applicant shall provide evidence of a valid lease agreement between the Arizona State Land Department and Circle S Broadcasting.
- f. Prior to zoning clearance for any site improvements, the applicant shall provide evidence that Verizon Wireless has legal access to the site.
- g. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon termination of the lease or abandonment of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such expiration.
- h. The applicant shall comply with all applicable federal, state, and local laws regarding historic preservation and endangered species habitat loss mitigation.
- i. The perimeter wall, access gate, and all ground-mounted equipment shall be painted a neutral, non-reflective, color to match the surrounding natural desert landscape.
- j. Major changes to this Special Use Permit (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Special Use Permit may be administratively approved by the staff of the Planning and Development Department.
- k. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- l. Any lighting required on the tower due to federal regulations will be designed to mitigate potential negative impacts on bird/avian migration, nesting and populations.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this Special Use Permit subject to stipulations "a" through "l."

- 8. Z2002-102 District 1**
Applicant: Richard Andrews, for Grant Ellsworth
Location: West of the southwest corner of Williams Field Rd. & Higley Rd. (in the Gilbert/Higley area)

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Request: 1) Rezone from Rural-43 to C-2 CUPD (4.8 ac.)
 2) Special Use Permit (SUP) to allow storage of agricultural equipment in
 the C-1 CUPD zoning district (2.17 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-102, subject to the following stipulations "a" through "q". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in general conformance with the site plan entitled, "Tax Parcel # 304-47-009A Zoning & Special Use Plan", consisting of one (1) full size sheet, stamped by the Engineer February 25, 2003, and stamped received April 4, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled "Rezoning and Special Use Permit Application - The Ellsworth Property from Rural 43 to C-2 CUPD", consisting of ten pages, dated, revised December 6, 2002 and stamped received December 13, 2002, except as modified by the following stipulations.
- c. The Special Use Permit to allow the storage of farm related equipment shall expire 10 years from the date of approval of this request by the Board of Supervisors. Any request for extension must be submitted at least six months prior to the expiration date.
- d. The property owner shall submit a five-year written status report outlining the development of the site and the need for the continued use of the property as agricultural storage.
- e. No additional screening shall be required along the south and west property lines.
- f. No screening shall be required along the east property line adjacent to the existing mini-warehouse provided the owner of the subject property agrees to not store or place any merchandise, materials, machinery, equipment, etc. anywhere that encroaches upon the adjacent property.
- g. No additional screening shall be required along the east property line adjacent to the existing fence company.
- h. The property shall be connected to the Town of Gilbert water and sewer system. Prior to site development, the property shall provide a Pre-Annexation Agreement or Utility Service Agreement from the Town of Gilbert.
- i. The owners or agents of the property shall obtain a drainage clearance prior to issuance of a building permit. The finished floor elevation, perpendicular cross sections through the site, and an engineer's certification that the finished floor will be free from inundation during a 100-year peak runoff event, need to be shown on the plans. It should be noted that multiple storms occurring over a period of several days or storms exceeding the design precipitation depth, might result in inundation of areas beyond the retention basin. For final design, the grading plan should provide for a safe outlet plan for retention basin overflow.

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- j. Prior to zoning clearance, the applicant shall dedicate to MCDOT additional right-of-way to bring the total half-width dedication to 65 feet for Williams Field Road adjacent to the subject property.
- k. The property owner shall construct half-street improvements including curb, gutter and sidewalk along Williams Field Road adjacent to the subject property.
- l. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- m. The front monument sign shall meet the front setback requirements of the C-2 zoning district and shall not be located within the required clear-sight visibility triangle.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- o. All outdoor lighting shall conform to Article 1112 of the Maricopa County Zoning Ordinance.
- p. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- q. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this Special Use Permit and rezoning request subject to stipulations "a" through "q."

- 9. Z2002-121 District 4**
Applicant: Coen Engineering for Steven Schnackenburg
Location: West of the Southwest corner of Glendale Ave. & El Mirage Rd. (in the west Glendale area)
Request: Rezone from Rural-4 3 to C-3 P.D. - DRD Truck Sales (3.79 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2002-121, subject to the following stipulations "a" through "i". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

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- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled "Site Plan – Request for Rezoning... for DRD Truck Sales..." consisting of one (1) full-size sheet, dated and date – stamped by the engineer March 17, 2003 and stamped received March 18, 2003, except as modified by the following stipulations.
- b. Development shall be in substantial conformance with the narrative report entitled "DRD Truck Sales Facility, Re-zoning from R-43 to C-3, Narrative Report, Z-2002 121", consisting of seven (7) pages, dated revised November 12, 2002 and stamped received April 18, 2003, except as modified by the following stipulations.
- c. Prior to construction, an application for approval to construct for the wastewater system must be submitted to the Maricopa County Environmental Services Department for review and approval.
- d. A building permit must be issued within five (5) years or the case may be revisited by the Planning and Zoning Commission for consideration and possible reversion of the zoning to Rural-43.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance Article 1112.
- f. The applicant shall provide a "will serve" letter from a fire department prior to zoning clearance.
- g. Noncompliance with the Plan of Development (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- h. Prior to issuance of a drainage clearance, a Floodplain Use Permit must be obtained from the Regulatory Division of the Maricopa County Flood Control District.
- i. The monument sign shall comply with the requirements of the C-3 zoning district including setbacks and observance of the clear-sight visibility triangle.
- j. A 6' high, solid wall will be required along the southeastern boundary of the site should residential development occur adjacent to the site.
- k. The site is subject to a Plan of Development (P.D.) Overlay Zone.
- l. Prior to zoning clearance, an archeological survey is required as per requirements of the State Historic Preservation Office. Written documentation of compliance with this stipulation shall be provided to the Planning and Development Department.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this rezoning request subject to stipulations "a" through "l."

Joy Rich, Chief Regional Development Services Officer, said that item #10 (Z2002-158) would be moved from the Consent Agenda to the Regular Planning Agenda because of right-of-way dedication conflicts introduced at the Planning Commission Hearing.

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REGULAR AGENDA DETAIL:

- 10. Z2002-158 District 4 - CONTINUED**
Applicant: Morris Mickelson
Location: East of 99th Ave., south of Northern Ave. (in the Glendale area)
Request: Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district - T-Mobile PH31009 Cellular Communication Site (0.02 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-158, subject to the following stipulations "a" through "g". Commissioner Jones seconded the motion, which passed with a majority vote of 6-1, with Commissioner Barney dissenting.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Special Use Permit for T Mobile, VoiceStream PCS III Corporation, A subsidiary of T-Mobile USA, Inc. PH31009E 80' FARMER'S TRIANGLE". Consisting of five (5) full-size sheets, dated revised March 28, 2003, and stamped received April 1, 2003 except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "T Mobile, Revised Project Submittal Narrative for a Special Use Permit Z02-158" consisting of three (3) pages, dated March 4, 2003 and stamped received March 4, 2003 except as modified by the following stipulations.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Dedication for an ultimate half-width of 65' total on 99th Avenue for the entire length of the parent parcel shall be made prior to zoning clearance.
- f. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- g. A written status report, that includes photographs of the project, will be required 2 years from the date of Special Use Permit approval by the Board of Supervisors for the purpose of record retention. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

Joy Rich, Chief Regional Development Services Officer, gave particulars of this case and reported on action taken at the Planning Commission Hearing where issue was taken over the amount of land

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required for the right-of-way dedication along all of 99th Avenue (see stipulation "e"). The applicant questioned the constitutionality of this McDOT requirement and the Commission deferred the matter to counsel to research it.

Dick Wallace, McDOT, said, "We now recognize the request for a 65 foot ultimate right-of-way on 99th Avenue may be excessive given the master parcel is quite large and the requested use is only 900 square feet." He believed that a narrower strip or some other solution could be considered as a compromise but he had not yet determined the best solution to recommend.

Rulon Anderson, representing T-Mobile and the Johnson Family Farm said that T-Mobile is leasing a portion of the original farmland from the Johnsons for a wireless communications site. He explained that this was originally quite a large acreage farming operation that was cut and divided by the 101 freeway. The geographical split left a small parcel of land containing 57,573 sq. ft. on the other side of the freeway from the major holding. He said that McDOT's right-of-way request of 32 feet in addition to the 33 existing feet, a total of 65 feet, would contain 16,184 square feet of land dedicated to this right-of-way. At \$5 per sq. ft. the land donor would have to give up \$75,000 worth of land in exchange for the nominal fee from T-Mobile to lease only 900 sq. ft. at the rear of the parcel. He said that until this land is developed the dedication of such a large amount of land, 16,184 sq. ft., for a right-of-way to reach such a small amount of land, 900 sq. ft., could not be considered a normal requirement. Mr. Anderson explained that one person would only access the property once a month for maintenance purposes so there would be a very sparse increase to traffic. He offered to cite case law on Arizona State requirements and on the constitutional rights of the Johnson Family if the Board requested it.

Discussion ensued on future right-of-way applications on either or both parcels as development occurs. Joy Rich said that there is no possibility of a nexus or connection between the farm's two parcels since the freeway intervenes. Also discussed was a lack of response from the City of Glendale on any perceived restrictions because of the planes being launched over the property from the runway at Luke Air Force Base. The applicant reported that he had obtained FAA approval, which he believed was adequate in this instance.

Supervisor Stapley remarked, "The Johnson's will be down to an acre of land on that 'orphaned' parcel if they are forced to dedicate 16,000 square feet of it to a right-of-way." He agreed that this did appear to be overreaching when the benefit and burden being exchanged between the County and the private sector was taken into consideration.

A two week postponement was suggested, and to alleviate any injury to the applicant from the delay they may submit their building plans to Planning and Zoning for approval in the interim. The zoning portion will be continued to the July 30, 2003, meeting so a suitable right-of-way can be negotiated. The applicant agreed to copy the Board and Planning on the FAA approval already received.

Those registering speaker slips were Rulon Anderson, T-Mobile and Julie Johnson, Johnson Family Partnership, both in favor of the Special Use Permit.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this item to the July 30, 2003, meeting.

11. DMP2002-006 District 4

Applicant: Beus Gilbert, P.L.L.C. for Citrus & Northern, L.L.C.

Location: Southwest corner of Citrus Ave. & Olive Ave. (in the west Glendale/Surprise area)

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Request: Major Amendment to the Development Master Plan (D.M.P.) - White Tank Foothills (640.2 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2002-006, subject to the following stipulations "a" through "ii". Commissioner Clayburg seconded the motion, which passed with a majority vote of 7-1, with Commissioner Beckley dissenting.

- a. Development and use of the site shall comply with the DMP land use exhibit entitled "DMP Amendment Land Use Exhibit White Tank Foothills", consisting of one full-size sheet stamped received May 27, 2003, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the applicant shall submit a revised DMP report reflecting changes to the proposed land uses from what is shown in the exhibit.
- b. Development and use of the site shall comply with the Development Master Plan entitled "White Tank Foothills - Development Master Plan Amendment Request", consisting of 39 pages, 17 exhibits, and nine (9) appendices, dated revised May 2003, and stamped received May 27, 2003, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the applicant shall submit a revised D.M.P. report reflecting changes to the proposed land uses from what is shown in the report.
- c. At the time of the first approved final plat of any subdivision within a phase containing Olive Avenue, the Developer will be obligated to construct (or post the necessary financial assurances) the ultimate half width roadway for the extent of Olive Avenue, in that phase as depicted in the D.M.P. report.
- d. At the time of the first approved final plat of any subdivision within a phase containing Citrus Road, the developer will be obligated to construct (or post the necessary financial assurances) the ultimate half-width roadway for the extent of Citrus Road in that phase, as depicted in the D.M.P. report.
- e. At the time of the first approved final plat of any subdivision within a phase containing Perryville Road, the developer will be obligated to post a five (5) year performance bond (in the amount of the total estimated construction costs) for a half width roadway for the extent of Perryville Road in that phase, as depicted in the D.M.P. report. Prior to expiration of the bond, Maricopa County will determine the necessity for the roadway and Developer's share of the responsibility.
- f. At the time of the first approved final plat of any subdivision within a phase containing Northern Avenue, the developer will be obligated to construct or post a five (5) year performance bond (in the amount of the total estimated construction costs) for a half-width roadway for the extent of Northern Avenue in that phase, as depicted in the D.M.P. report. Prior to expiration of the bond, Maricopa County will determine the necessity for the roadway and Developer's share of the responsibility.
- g. Prior to zoning clearance, a total half-width of 70-foot right-of-way shall be dedicated for Olive Avenue.
- h. Prior to zoning clearance, a total half-width of 65-foot right-of-way shall be dedicated for Northern Avenue and Citrus Road.

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- i. Prior to zoning clearance, a total half-width 55-foot right-of-way shall be dedicated for Perryville Road, and a 10-foot roadway and utility easement shall be provided adjacent to the right-of-way.
- j. The applicant in order to accommodate the regional travel demands of White Tank Foothills shall dedicate and construct a major collector street along the (White Tank Mountain Boulevard (Butler Avenue alignment) from Citrus Road to Olive Avenue, consistent with the approved Traffic Impact Study.
- k. The applicant shall provide offsite improvements and related right-of-way as recommended in the approved White Tank Foothills Traffic Impact Study, including signalization if necessary.
- l. The developer shall provide a multi-use trail to all commercial parcels. This shall be shown on subdivision plats.
- m. Bike lanes shall be required on all arterial and collector alignments as specified in the Maricopa County Bicycle Transportation System Plan.
- n. Access points and median openings on all arterial streets shall be consistent with the approved White Tank Foothills Traffic Impact Study dated revised March 6, 2003.
- o. Development phasing shall assure two access points are provided.
- p. Not less than 15 acres shall be set aside and donated (upon demand) to the Dysart Unified School District to accommodate the projected need for one school. Developer will continue to make the school site available for 15 years after the Board of Supervisors approval of the White Tank Foothills rezoning. In the event that the site donation is not accepted and for development within the 15-year period, or in the event that the Dysart Unified School District ever ceases to use the site, the developer may retain a right of reversion so that the land will revert to the developer or the developer's assignee.
- q. A fire station site shall be set aside within the commercial parcel at the southwest corner of Olive Avenue and Citrus Road for Rural/Metro Fire Department. The developer shall continue to make available the site to the Fire Department for a period of 15 years, unless written confirmation is provided by the Department that a site is no longer needed for a fire station.
- r. A Master Drainage Report was submitted in conjunction with the approval of DMP200002. Drainage requirements will comply with the standards set forth in this Master Drainage Report prepared by Hunn & Associates.
- s. Prior to final plat approval, the applicant shall obtain clearance and/or approvals from all agencies as listed on the Environmental Services Department memorandum dated June 16, 2000.
- t. The total number of dwelling units for the White Tank Foothills shall not exceed 1,286.
- u. The developer shall be responsible for construction of all public and private on-site roadways within the designated White Tank Foothills boundaries. Further, the

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homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping within public right-of-way adjacent to all major and minor arterial roadways, and of pedestrian, bicycle and equestrian pathways.

- v. Any alteration of existing natural washes shall be done in compliance with the rules and guidelines set forth by the United States Army Corps of Engineers.
- w. Prior to the first preliminary plat approval, developer shall provide a "will serve" letter from Arizona Public Service. Developer shall submit a "will serve" letter from a different qualified public or private utility in place of Arizona Public Service upon approval by the Maricopa County Planning and Development Department.
- x. Prior to the first preliminary plat approval, developer shall provide a "will serve" letter from the Rural-Metro Corporation. Developer may submit a "will serve" letter from a different qualified public or private fire protection service in place of the Rural-Metro Corporation upon approval of the Maricopa County Planning and Development Department.
- y. Prior to the first preliminary plat approval, developer provide a "will serve" letter from Qwest Communications. Developer may submit a "will serve" letter from a different qualified public or private telephone company in place of Qwest Communications upon approval by the Maricopa County Planning and Development Department.
- z. Prior to the first preliminary plat approval, developer shall submit a "will serve" letter from Southwest Gas. Developer may submit a "will serve" letter from a qualified public or private utility in place of Southwest Gas upon approval by the Maricopa County Planning and Development Department.
- aa. The conceptual Water and Wastewater Master Plans (on-site and off-site) for White Tank Foothills project shall receive approval by Maricopa County Environmental Services prior to approval of the first Preliminary Plat by the Board of Supervisors.
- bb. The designs for the backbone (or offsite) water distribution and sewer collection system supporting all phases shall be approved by the Maricopa County Environmental Services Department prior to approval of the first Final Plat by the Board of Supervisors.
- cc. Designs of the water distribution and sewer collection system (on-site) for each phase of the White Tank Foothills project shall be approved by the Maricopa County Environmental Services Department prior to Final Plat approval of each phase by the Board of Supervisors
- dd. One hundred dollars (\$100) per house will be paid by the developer as each residential building permit is issued to fund for the White Tank Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks enhancement fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended as supplemental resources resulting from additional park usage by White Tank Foothills residents. Maricopa County Parks and Recreation Department will provide each residential unit in White Tank Foothills Development Master Plan with a fifty dollar (\$50)

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voucher, good for one-year, for entrance into any regional park administered by said department, except Lake Pleasant Regional Park.

- ee. The applicant shall provide a minimum of 97.3 acres of useable open space to include a 10-acre neighborhood park.
- ff. Major changes to this Development Master Plan (the land use plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission.
- gg. Non-compliance with the Development Master Plan (the land use plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Development Master Plan Guidelines and the Maricopa County Zoning Ordinance.
- hh. A quality of life assessment of \$377 per unit shall be contributed to the Maricopa County Library District.
- ii. The two public facilities parcels (Parcels 4 and 20 of the originally approved D.M.P. under DMP 200002), which were specifically designated for water storage and water treatment, will be eliminated as a result of the proposed regional (and off-site) water and wastewater system with Arizona American Water Company.

Joy Rich, Chief Regional Development Services Officer, said this Master Plan was approved by the Board last August and today's action involves a major amendment to modify stipulations on this and the accompanying zoning case (Z2000-136), which follows. She reported on actions taken at the Planning Commission meeting.

Speakers registered in favor of this matter included Paul E. Gilbert, Citrus & Northern LLC, Udo Meyer, Clearwater Farms HOA, and Denise Wilkinson, Clearwater Farms resident. Bonny Gazinski, Crystal Springs Estates, registered in opposition.

Paul Gilbert, representing Citrus & Northern, spoke to both the changes and similarities to the original Master Plan that would be established through the amendments they are requesting and indicated that one member of the Planning Commission had remarked "this is an improved DMP." Mr. Gilbert indicated his expectations that complaints would be heard from some residents located in nearby Crystal Springs but added that they are essentially uninvolved in any of the changes except for receiving benefits from the improvements being requested. He called attention to an access road being installed to accommodate the San Harold Trail project on their western boundary and said it had been included as an access to Perryville Road going north. He explained that this would not be extended to the south.

Bonny Gazinski, Crystal Springs Estates HOA, spoke in opposition calling this a "low quality development" that would infringe on Luke Air Force Base flights, which would rattle the windows in these houses. She maintained that it would also infringe on the rights of some homeowners having to contend with the increased traffic generated by the new development and she also listed several other areas of disagreement for the Homeowners Association, which she was representing. She maintained that the Association had requested meetings to voice their concerns but had been rebuffed or ignored. She said that the zoning is now Rural-43 and addressed the rural community that Crystal Springs homeowners have and want to keep.

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Paul Gilbert countered that there would only be two housing units per acre and this is in compliance with the White Tank/Grand Avenue Area Plan. He said they had received a letter from Luke Air Force Base thanking them for working with the Base on this project and indicating that they have no opposition to it since all requirements in the White Tanks Plan are being met. He explained that he or one of his representatives had contacted the Crystal Springs Homeowners Association several times and had indeed met with them on May 30, continuing their practice of resolving issues arising with regards to any new project. He indicated that any concerns expressed by Crystal Springs homeowners that have not already been addressed could no longer be adopted because of agreements that have been agreed to with other homeowners in the area.

Udo Meyer and Denise Wilkinson, of Clearwater Farms, signed speaker slips indicating support of this application but chose not to speak.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "ii" as given above.

- 12. Z2000-136 District 4**
Applicant: Beus Gilbert, P.L.L.C. for Citrus & Northern, L.L.C.
Location: Southwest corner of Citrus Ave. & Olive Ave. (in the west Glendale/Surprise area)
Request: Rezone from Rural-43 to R1-18 R.U.P.D., R1-8 R.U.P.D., R1-7 R.U.P.D., R1-6 R.U.P.D., C-2 P.D. and Rural-43 - with a P.A.D. Overlay Zone for the entire site – White Tank Foothills (640.2 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2000-136, subject to the following stipulations "a" through "q". Commissioner Clayburg seconded the motion, which passed with a majority vote of 7-1, with Commissioner Beckley dissenting.

- a. Development and use of the site shall comply with the zoning exhibit entitled "Rezoning Exhibit, White Tank Foothills", consisting of one full-size sheet, dated May 21, 2003, and stamped received May 27, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the bound narrative report entitled "White Tank Foothills, PAD Overlay, R1-6 R.U.P.D., R1-7 R.U.P.D. R1-8 R.U.P.D., R1-18 R.U.P.D., Rural-43, C-2 PD Overlay) Zoning Request", consisting of 31 pages, one (1) appendix and 25 exhibits, dated revised May 2003, and stamped received May 27, 2003, except as modified by the following stipulations. A revised version shall be submitted within 30 days of approval by the Board of Supervisors to change all exhibits and text to be in concert with the zoning exhibit referenced in stipulation "a" above.
- c. The request for C-2 P.D. zoning for the 7.22-acre commercial site (Parcel 4) shall be denied as filed and approved for C-1 P.D. zoning. The applicant shall submit a revised narrative report and zoning exhibit reflecting such change within 30 days of approval by the Board of Supervisors.
- d. Dedication of additional rights-of-way to bring the ultimate half-width dedication to 70' for Olive Avenue, 65' for Citrus Road and Northern Ave, and 55' for Perryville Road with a 10' adjacent easement shall occur prior to zoning clearance.

- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted
- g. Commercial parcels within the development shall be subject to a Plan of Development (P.D.) overlay.
- h. If the development of the site (recorded final plat) has not occurred within five (5) years of the date of rezoning approval by the Board of Supervisors, staff shall schedule this development for rehearing by the Planning and Zoning Commission to consider initiating a reversion of the property to its original Rural-43 zoning.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the public right-of-way.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. Written notification shall be provided to all future homeowners that they are located within the State-Defined Territory In The Vicinity Of A Military Airport and may be subject to loud noise and overflights from military aircraft. Such notification shall be consistent with ARS § 28-8484(A).
- l. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- m. Noncompliance with the conditions P.A.D./R.U.P.D. Plan (zoning exhibit and narrative report) of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. The Board of Supervisors shall process major changes to the P.A.D./R.U.P.D. plan as a revised application, with approval upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- o. Not less than 15 acres shall be set aside and donated (upon demand) to the Dysart Unified School District to accommodate the projected need for one ("1") school. Developer will continue to make the school site available for 15 years after the Board of Supervisors approval of the White Tank Mountain Foothills rezoning. In the event that the site donation is not accepted and developed within the 15-year period, or in the event

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that the Dysart Unified School District ever ceases to use the site, the developer may retain a right of reversion to the developer or the developer's assignee.

- p. A fire station site shall be set aside within the commercial parcel at the southwest corner of Olive Ave. and Citrus Rd. for Rural / Metro Fire Department. The Developer shall continue to make available the site to the Department unless written confirmation is provided to the Department that a site is no longer needed for a fire station.
- q. All driveways to front-loaded garages shall observe a minimum length of 18' as measured from sidewalk or back of curb (in the event of no sidewalk) to base of the garage.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "q."

- 13. Z 99-78 District 2 CONTINUED**
Applicant: Beus Gilbert P.L.L.C. for Savannah Partners
Location: Southwest corner of Lone Mountain Rd. & 152nd St. (in the Rio Verde area)
Request: Re-hearing to determine compliance with approved Special Use Permit (S.U.P.) stipulations for a horse riding and boarding stable in the Rural-43 zoning district – Casa de los Caballos (20 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z 99-78, subject to stipulations "a" through "o", with the following revisions to "c" and "e" and with new stipulation "o". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- c. All refuse and animal wastes shall be stored within an enclosed building or within odor-proof closed containers. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one weeks accumulation of manure. All manure shall be removed from the site at least once per week. Manure shall not be composted on site, used on trails or rolled in arenas.
- e. No riding events, outside of typical lesson activities or clinics, shall be allowed on-site. Spectators at clinics or lessons shall be limited to 50. The applicant shall be prohibited from making application for an amendment to this Special Use Permit to allow horse shows and events for at least five years from the date of approval of this modified stipulation. No events shall be held on site.
- o. The applicant shall remove existing temporary horse stalls and limit the number of stalls for commercial boarding to 50.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this item to the July 30, 2003, meeting at the request of the property owner.

- 14. Z2000-109 District 4**
Applicant: Beus Gilbert, P.L.L.C. for Grosvenor Holdings, L.C.
Location: Northeast corner of the Pinnacle Peak Rd. & El Mirage Rd. alignments (in the northwest Peoria/Sun City West area)
Request: Rezone from Rural-43 to R1-6 R.U.P.D. - Dos Rios (119.38 ac.)

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COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2000-109, subject to the following stipulations “a” through “y”. Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan/zoning exhibit entitled “Exhibit ‘K’ – Zoning Exhibit – Dos Rios” consisting of two 11” x 17” sheets included as part of the narrative report referenced in stipulation ‘b’ below – the site plan being dated revised March 18, 2003 and stamped received May 6, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled “Dos Rios Plan of Development” a spiral-bound document dated revised April 2003 and stamped received May 6, 2003 except as modified by the following stipulations.
- c. Dos Rios shall be limited to a maximum of 456 dwelling units.
- d. Not less than 36.48 acres shall be set aside as open space within the project. To help ensure compliance, the total acres of open space shall be included on all plats. In addition, at the time of each preliminary plat submission the applicant shall include a description of the status of the cumulative open space land use acreage with respect to the minimum 36.48-acre requirement. The types of amenities and facilities that will be included within these areas shall also be listed on all applicable plats, and are subject to approval by the Maricopa County Planning and Development Department.
- e. The master homeowners association for Dos Rios shall be responsible for the maintenance of all public open space, common areas, natural washes, parks, landscaped medians, all private roads, public open spaces and facilities, parks, roadway landscaping, landscaping within the public right-of-way adjacent to all public and private roadways, and of pedestrian and bicycle paths.
- f. Prior to approval of the first preliminary plat, the applicant shall submit a sound attenuation study that identifies noise issues and intended noise mitigation strategies related to residential development proximity to the Loop 303 Freeway. This study shall be subject to approval by the Maricopa County Department of Transportation.
- g. Prior to approval of the first preliminary plat, the applicant shall submit a “will serve” letter and Certificate of Convenience and Necessity (CC&N) from the Arizona American Water Company demonstrating commitment to provide both water and wastewater service to the entire project.
- h. Prior to approval of the first preliminary plat, the applicant shall submit a copy of the “developer assistance program,” signed by both the applicant and the Peoria Unified School District and as identified in the narrative report, to the Maricopa County Planning and Development Department.
- i. Prior to approval of the first preliminary plat, the applicant shall submit a “will service” letter from the Sun City West Fire District to the Maricopa County Planning and Development Department.

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- j. All irrigation supplied to common/open space areas shall be provided entirely by a renewable water supply, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within five (5) years of approval of the first final plat. Interim water for the noted purposes may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the five-year requirement.
- k. An archeological survey of the property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Office for review and comment before any ground disturbing activities related to the development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona State Historic Preservation Office should determine if a data recovery (excavation) program is necessary.
- l. The master developer shall notify all future homebuyers that they are not located within an incorporated city or town, and therefore will not be represented by a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally managed services for police protection, fire protection, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all homeowners association covenants, conditions, and restrictions (CC&Rs).
- m. The four mini-park sites identified on Exhibit 'L' – Open Space Exhibit of the narrative report document referenced in stipulation 'b' shall be sited on the plats and shall include recreational amenities acceptable to Planning and Development Department staff, such as a pedestrian pathways, tot-lots and picnic ramada with barbecue grill shall be provided.
- n. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a final landscape plan (including narrative description) is to be submitted. Landscaping in all common areas shall consist of plant species indigenous to this region of the Sonoran Desert. Turf shall be limited in common areas to retention basins and active playfields. Turf shall be limited only to non-evasive grass species. All landscaping within proximity to streets shall adhere to Chapter 9 of the MCDOT Roadway Design Manual.
- o. Development shall comply with the following Maricopa County Department of Transportation (MCDOT) stipulations:
 - i. An approved traffic impact analysis shall be on file with MCDOT. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The initial development phase shall be based on existing conditions and not proposed roadways.

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- ii. The traffic analysis shall be updated prior to the first final plat approval to reflect current conditions. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the traffic analysis. The Applicant shall provide a financial assurance to guarantee the offsite improvements that are recommended in their approved analysis. Subsequent updates of the traffic analysis will be required by MCDOT if changing conditions warrant.
- iii. Developer contribution for proportionate share of offsite regional roadway improvements is based upon 438 total residential units @ \$4600 per unit or 2.3 lane miles, whichever is the greatest value. The amount in this paragraph is based on contributions made in fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet county standards in effect at the time they are improved.
- iv. All identified offsite alignments must be consistent with a County approved transportation plan.
- v. All-weather access shall be provided to all parcels and on all arterial roadways.
- vi. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
- vii. The location of any connections to the Loop 303 shall be reviewed and approved by Maricopa County Department of Transportation.
- viii. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
- ix. The developer is responsible for noise mitigation adjacent to the site. Mitigation shall be consistent with current MCDOT noise policy.
- x. Provide the ultimate half-width right-of-way on all perimeter boundaries consistent with a County approved transportation plan (40' on Pinnacle Peak Road and 65' on 119th Avenue).
- xi. The Applicant is responsible for acquisition of all additional rights-of-way per the Traffic Impact Study.
- xii. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.
- xiii. Use of neighborhood electric vehicles shall be accommodated in this development. Routes and other design features shall be established, as necessary, to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.

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- xiv. Bike lanes shall be included on all arterial and major collector alignments. A bicycle circulation plan shall be provided with each phase of development.
 - xv. Development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site, (e.g., bus bays, park-and-ride lots, internal trail systems).
 - xvi. All streets are required to meet minimum County standards, unless waived by the Board of Supervisors.
 - xvii. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
 - xviii. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
 - xix. Offsite alignments where only two lanes are constructed, the minimum half-width right-of-way shall be acquired. Once a phase requires additional widening of the roadway beyond two lanes, the minimum full-width right-of-way shall be acquired. These widths are minimums and wider rights-of-way may be necessary due to existing terrain.
 - xx. No median improvements, curb and gutter, sidewalk, landscaping or signalization is required on access roads, unless otherwise specified herein or in the development agreement.
 - xxi. A construction traffic circulation plan shall be provided and approved by MCDOT prior to commencing construction.
 - xxii. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
 - xxiii. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Stormwater requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. Applicant is responsible for complying with these requirements.
 - xxiv. A development agreement or comparable document shall be initiated prior to approval of any Preliminary Plat, and shall be executed prior to any Final Plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite regional roadway improvements.
- p. The Preliminary Plats shall be granted road waivers to the provision of an arterial route along the 123rd Avenue alignment and a collector route along the Calle Lejos alignment. A road waiver shall also be granted for the provision of an arterial route along the Pinnacle Peak Rd. alignment. Dedication and improvements to Pinnacle Peak Road and 119th Avenue shall be provided as indicated in stipulation 'o'.

- q. Development shall comply with the following stipulations of the Flood Control District of Maricopa County (FCD):
 - i. Prior to approval of any Preliminary Plat, the applicant must submit a revised drainage report that reflects the modified residential project. The revised drainage report must address the following:
 - 1) The quantity of retention by sub-basin along with the location and size of retention areas of sufficient size to accommodate the required retention.
 - 2) It also needs to determine how off-site flows routed around the site will be returned to the original drainage course without increasing the volume or velocity of flow.
 - 3) Peak 100-year runoff from each on-site sub-basin needs to be computed along with hydraulic calculations showing how the runoff will be conveyed within on-site drainage courses, including the size of any channels, culverts, or storm drains, and the size and location of drainage tracts. Typical lot grading details are also needed.
 - 4) The preliminary drainage report indicated that the west and east off-site channels will be grass-lined. The master drainage report will need to state how these areas will be maintained and what provisions will be made for annual maintenance certification.
 - ii. Prior to approval of the Final Plat and commencement of construction activities, a drainage clearance will need to be obtained from FCD. This will require the submission of detailed construction plans for grading and drainage and roadways, along with a final drainage report that includes detailed analyses of the proposed drainage features in accordance with the applicable drainage regulations and design standards.
- r. Development shall comply with the following stipulations of the Maricopa County Environmental Services Division (MCESD):
 - i. The conceptual Water and Wastewater Master Plans (on-site and off-site) for Dos Rios project shall receive approval by MCESD prior to approval of the first Preliminary Plat by the Planning and Zoning Commission.
 - ii. The designs for the backbone (or offsite) water distribution and sewer collection system supporting all phases shall be approved by MCESD prior to approval of the first Final Plat by the Board of Supervisors.
 - iii. Designs of the water distribution and sewer collection system (on-site) for each phase of the Dos Rios project shall be approved by MCESD prior to Final Plat approval of each phase by the Board of Supervisors
- s. Zoning approval shall be conditional in accordance with the Maricopa County Zoning Ordinance, for a period of (5) years from Board of Supervisors approval, within which time development shall commence. This shall be construed as approval of a final plat for the first phase of project development. If development has not commenced within the

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five-year requirement, the property shall revert to its former zoning classification unless the Board of Supervisors grants an extension.

- t. Since the project is located within the State defined "Territory in the Vicinity of a Military Airport", notice shall be given to prospective and future residents that they are located in the territory in the vicinity of a military airport and maybe subject to loud noise from military aircraft overflights and noise events. Such notice shall be posted in a conspicuous location on the front door of the home sales office(s) and model home(s) on not less than an 8½" x 11" posting, be recorded on all final plats, and be included in the covenants, conditions, and restrictions (CC&Rs).
- u. All habitable buildings constructed within Dos Rios shall be constructed to attain noise reduction as per A.R.S. § 28-8482(B).
- v. Estimated emergency response times, existing at the time of home sales and as provided by the Sun City West Fire District and the Maricopa County Sheriff's Office, shall be posted in a conspicuous location on the front door of model home(s) and in the home sales office(s) on not less than an 8½" x 11" posting.
- w. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as this application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, Project Management Division.
- x. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- y. All driveways to front-loaded garages shall observe a minimum length of 18' as measured from sidewalk or back of curb (in the event of no sidewalk) to base of the garage.

Joy Rich, Chief Regional Development Services Officer, reported on this matter saying a slight modification had been made by the Planning Commission concerning the length of driveways, otherwise this case would have been on the Consent portion of the Planning agenda. She said that all approvals had been received and there is no known opposition.

Paul Gilbert, representing the applicant, said that the applicant is in agreement with the changed stipulation.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "y," as given above.

- 15. Z2002-073 District 1**
Applicant: Dave Udall of Udall, Shumway, Morris & Allen, PC for Robert King
Location: North of the northeast corner of Warner Rd. & Sossaman Rd. (in the east Mesa area)
Request: Special Use Permit (SUP) for mini-warehouses in the Rural-43 zoning district - Arizona Discount Storage (4.53 ac.)

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COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-073, subject to the following stipulations "a" through "q". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall be in general conformance with the site plan entitled, "Mini Storage Warehouse", consisting of two (2) full-size sheets, prepared by Brock, Craig and Thacker Architects" dated revised April 15, 2003 and stamped by the architect April 2003, and stamped received April 16, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled, "Arizona Discount Storage", consisting of six (6) pages, dated revised April 5, 2003, and stamped received April 16, 2003, except as modified by the following stipulations.
- c. In addition to the proposed Mondell Pines, the applicant shall provide additional shrubbery at a ratio of six (6) shrubs per 25' of lineal street frontage along the Sossaman Road frontage. Said shrubbery shall be from the Arizona Department of Water Resources list of drought-tolerant species. Any plants located within the public right-of-way shall adhere to Chapter 9 of the MCDOT Roadway Design Manual.
- d. Prior to zoning clearance, the applicant shall dedicate to the Maricopa County Department of Transportation an additional 22' of right-of-way along the east side of the Sossaman Road monument line to bring the total half-width of that right-of-way to 55 feet adjacent to the subject property.
- e. Prior to zoning clearance, the applicant shall bond for future right-of-way improvements along Sossaman Road adjacent to the subject property. Said improvements shall include curb, gutter, sidewalk and paving. All right-of-way improvements shall be constructed to minimum County standards.
- f. Concurrent with site development, the applicant shall provide paving for the north end of the site between the Sossaman Road improvements and the entrance to the RV storage facility located to the east of the subject site. Said paving to consist of 2 inches of asphalt concrete over 4 inches of aggregate base course.
- g. All habitable building shall be constructed to achieve a sound attenuation level of 25 decibels.
- h. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the proposed development to occur on the subject property and that an offer to extend fire protection services has been made with regard to the subject property.
- i. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less that a 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted.
- j. After zoning approval but prior to any constructions, a drainage clearance in conjunction with a building permit must be obtained from the Flood Control District's Permitting Office.

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- k. No persons other than the property owner's immediate family may reside within any of the three apartment units located on site and the subject site shall remain in common ownership as the well site. Should any person(s) other than the property owner's immediate family reside within any of these apartments, or common ownership cease, the potable water supply that serves the subject site shall meet the requirements of a public water system as dictated in the Maricopa County Health Code. If this requirement is met, there will be no restriction placed on who may reside in the three apartment units.
- l. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- m. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- o. Major changes to this Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- p. Noncompliance with the Plan of Development (the site plan and narrative report) or conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- q. The Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors. Any request for extension must be submitted at least six months prior to the expiration date. The applicant shall submit a written status report to the Planning and Development Department 20 years from the date of the Special Use Permit approval – for the purpose of record retention.

Joy Rich, Chief Regional Development Services Officer, reported on this case and any actions taken by the Planning Commission. Dave Udall, for the applicant, reported they are in agreement with this application as given above.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "q."

16. Z2002-074 District 1
Applicant: Dave Udall of Udall, Shumway, Morris & Allen, PC for Robert King
Location: Northwest corner of Warner Rd. & 80th St. (in the east Mesa area)
Request: Rezone from Rural-43 to IND-3 P.D. - Arizona New Car PDI (9.5 ac.)

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2002-074, subject to the following stipulations "a" through "s". Commissioner Clayburg seconded the motion, which passed with a majority vote of 6-1, with Commissioner Smith dissenting.

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- a. Development shall be in general conformance with the site plan entitled, "Auto Ready New Car PDI", consisting of two (2) full-size sheets, prepared by Brock, Craig and Thacker Architects" dated revised April 15, 2003 and stamped by the architect April 2003, and stamped received April 16, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled, "Arizona New Car PDI", consisting of six (6) pages, dated revised April 5, 2003, and stamped received April 16, 2003, except as modified by the following stipulations.
- c. Within 30 days of approval by the Board of Supervisors and prior to zoning clearance, the following stipulations regarding City of Mesa requirements shall be met:
 - i. Development of the site shall observe a 30-foot landscape setback along Warner Road. Said setback shall be measured from the line of the future right-of-way. The perimeter fence shall be located no closer to the future right-of-way line than the 30-foot setback.
 - ii. In addition to the proposed Mondell Pines, the applicant shall provide additional shrubbery at a ratio of six (6) shrubs per 25 feet of lineal street frontage along the Warner Road frontage. Said shrubbery shall be from the Arizona Department of Water Resources list of drought-tolerant species. Any plants located within the public right-of-way shall adhere to Chapter 9 of the MCDOT Roadway Design Manual.
 - iii. Development of the site shall observe a 10-foot landscape setback along 80th Street. Said setback shall be measured from the line of the ultimate right-of-way. The perimeter fence shall be located no closer to the ultimate right-of-way line than the 25-foot setback.
 - iv. In addition to the proposed Mondell Pines, the applicant shall provide additional shrubbery at a ratio of four (4) shrubs per 25 feet of lineal street frontage along the 80-th Street frontage. Said shrubbery shall be from the Arizona Department of Water Resources list of drought-tolerant species. Any plants located within the public right-of-way shall adhere to Chapter 9 of the MCDOT Roadway Design Manual.
 - v. The applicant shall install a line of Mondell Pines along the west property line. Said spacing shall be 20-foot on center.
 - vi. The slope of the retention basin adjacent to any vehicular or pedestrian area shall not exceed a slope ratio of 1:6 (vertical to horizontal).
 - vii. The exterior surface of the proposed metal buildings shall include at least 50% conventional building materials such as but not limited to masonry and stucco on facades facing 80th Street and Warner Road.
- d. Prior to zoning clearance, the applicant shall make the following right-of-way dedications to the Maricopa County Department of Transportation:
 - i. Dedication of an additional 22 feet of right-of-way along the north side of the Warner Road monument line to bring the total half-width of that right-of-way to 55 feet adjacent to the subject property, except that unless written confirmation to this dedication is not received from the City of Mesa then an ultimate half-width of 65 feet will be required.

- ii. Dedication of 40 feet of right-of-way along the west side of the 80th Street monument line to bring the total half-width of that right-of-way to 40 feet adjacent to the subject property.
- e. Prior to zoning clearance, the applicant shall bond for future right-of-way improvements along Warner Road adjacent to the subject property. Said improvements shall include curb, gutter, sidewalk and paving. All right-of-way improvements shall be constructed to minimum County standards.
- f. Concurrent with site development, the applicant shall provide right-of-way improvements along 80th Street adjacent to the site. Said improvements shall include 24 feet of paving with ribbon curb. All improvements shall be made to minimum county standards.
- g. Perimeter fencing shall not exceed six (6) feet in height.
- h. Within 30 days of approval by the Board of Supervisor and prior to zoning clearance, the applicant shall submit a revised site plan and narrative report that reflects the following revisions:
 - i. Modifications as per stipulation 'c'.
 - ii. Dedications as per stipulation 'd'.
 - iii. No portion of the southernmost retention basin shall be located within any future right-of-way.
 - iv. The southernmost entrance to the site shall be shifted northward a distance of 32 feet to accommodate the future dedication of right-of-way along Warner Road.
- i. All habitable building shall be constructed to achieve a sound attenuation level of 25 decibels.
- j. All above ground structures shall be setback from the east property line a distance of no less than 25 feet.
- k. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the proposed development to occur on the subject property and that an offer to extend fire protection services has been made with regard to the subject property.
- l. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less than a 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted.
- m. After zoning approval but prior to any constructions, a drainage clearance in conjunction with a building permit must be obtained from the Flood Control District's Permitting Office.
- n. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- o. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.

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- p. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- q. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- r. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- s. This site is subject to a Plan of Development (P.D.) Overlay Zone.

Joy Rich, Chief Regional Development Services Officer, reported that this zoning change request was approved by the Planning Commission with two changes that are not presented in the above stipulations. These amended stipulations, "c.iii" and "e" are as follows:

- c.iii Development of the site shall observe a 10-foot landscape setback along 80th Street. Said setback shall be measured from the line of ultimate right-of-way. The perimeter fence shall be located no closer to the ultimate right-of-way than the ~~25~~10-foot setback.
- e. Prior to zoning clearance, the applicant shall bond for future right-of-way improvements along Warner Road adjacent to the subject property consistent with the City of Mesa arterial cost sharing program. Said improvements shall include curb, gutter, sidewalk and paving. All right-of-way improvements shall be constructed to minimum county standards.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "s" and to stipulations "c.iii" and "e" as amended, see above.

- 17. Z2002-092 District 3 CONTINUED**
Applicant: Jason Morris, for Withey Anderson & Morris P.L.C., and Tait Development, Inc for Phoenix – Yuma L.L.C.
Location: East of I-17, south of Circle Mountain Rd. (In the New River/Anthem area)
Request: Rezone from Rural-43 to C-1 P.D., R1-7 R.U.P.D., R1-8 R.U.P.D., R1-18 R.U.P.D. and R1-35 R.U.P.D. all project to a P.A.D. Overlay Zone - Arroyo Vista (204 ac.)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-092, subject to the following stipulations "a" through "aa". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Arroyo Vista", consisting of six (6) full-size sheets, prepared by Nash and Associates, Inc., dated revised March 7, 2003, stamped by the Registered Land Surveyor

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March 11, 2003, and stamped received March 27, 2003, except as modified by the following stipulations.

- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Arroyo Vista A master Planed Community", consisting of an eleven (11) page, spiral-bound document with exhibits dated revised March 2003 and stamped received March 27, 2003, except as modified by the following stipulations.
- c. Approval is subject to conditional zoning as per the Maricopa County Zoning Ordinance. If a precise Plan of Development has not been approved for the commercial component of the project or if a Final Plat has not been approved for residential component of the project, within two years from the date of rezoning approval by the Board of Supervisors, the zoning may be revisited by the Planning and Zoning Commission for consideration and possible reversion to Rural-43 zoning. Staff of the Planning and Development Department may administratively approve a one-year extension to this conditional zoning deadline.
- d. A Plan of Development (P.D.) Overlay Zone is applied to the commercial component of the project and a Precise Plan of Development must be approved prior to any development as per the Maricopa County Zoning Ordinance.
- e. A Residential Unit Plan of Development (R.U.P.D.) Overlay Zone is applied to the residential component of the project and all residential development must comply with the R.U.P.D. Chart included on the site plan listed in stipulation "a".
- f. A Planned Area Development (P.A.D.) Overlay Zone is applied to the entire site.
- g. The commercial portion of the site shall be limited to the use and development standards as allowed in the C-1 zoning district and the I-17 Scenic Corridor Design Guidelines as required in the New River Area Plan. A screen wall adjacent to Rural or Residential zoning shall be required unless waived by either the Board of Adjustment, or the Board of Supervisors, during a properly advertised hearing.
- h. With respect to the I-17 Scenic Corridor, all aspects of the design criteria as discussed in the New River Area Plan shall be adhered to including parking lot landscaping. A minimum of fifteen percent (15%) of the total parking lot area for the commercial development shall be landscaped using 100% plant species indigenous to the immediate area.
- i. Residential development immediately adjacent to the Jacka Annex portion of Anthem shall be limited to single-story development and shall observe a maximum height limitation of 25 feet. This applies only to the southernmost row of lots in Parcel 10 as identified on the site plan referenced in stipulation 'a': This height shall be measured finished grade if located outside of the hillside area as defined by the Maricopa County Zoning Ordinance. Should residential development occur within hillside slopes, the height shall be measured from natural grade as required by the Hillside Development Standards of the Maricopa County Zoning Ordinance.
- j. A natural open space buffer consisting of a strip of land 40 feet in width shall be located within the subject property, adjacent to the existing homes located within the Anthem

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community. Such open space shall be included in any platting activity for that specific area.

- k. A landscaped buffer consistent with Open Space configuration "G" as shown on Sheet 5 of the site plan referenced in stipulation 'a', shall be adjacent to the residential properties located adjacent to the northwest corner of the site.
- l. No development (disturbance) shall occur within any portion of the property that contains slopes of 15% or greater – except for roadways and driveways. This limitation shall not apply to roadways that serve the property; however, such roadways, if located within hillside slopes, shall observe the Hillside Development Standards of the Maricopa County Zoning Ordinance.
- m. All improvement plans for any portion of the site that contains natural area open space shall include a note indicating that these areas will be roped-off during construction and that no disturbance to these areas is to occur. These areas shall be roped off using a ¼-inch diameter yellow nylon rope suspended from metal T-posts, and shall remain intact throughout the construction process. No construction vehicles will be allowed to enter these areas. Any inadvertent disturbance that occurs within this area shall be restored to its original natural condition at the contractor or developer's expense.
- n. All turf areas contained within the open space element of the project area shall be limited to non-invasive grass species. The CC&Rs shall also limit private turf areas to non-invasive grass species.
- o. Prior to zoning clearance, the property owner shall provide the following rights-of-way dedications and improvements:
 - i. Dedicate a half-width right-of-way of 40 feet for the south half of the Circle Mountain Road alignment, between the northwest corner of the subject property to a point approximately 1,000 feet east of that location.
 - ii. Dedicate full width right-of-way of 80 feet for that portion of the realigned Circle Mountain Road between the aforementioned terminus of the 40-foot half width to a point along the east property line, said point located approximately 600 feet south of the northeast corner of the subject property.
 - iii. Dedicate additional right-of-way along the I-17 Frontage Road to bring the total full-width of the frontage road to 110 feet adjacent to the site.
 - iv. A precise plan is required. A Traffic Impact Study will be required prior to precise plan approval.
 - v. At the time of precise plan, assurances will be provided for provision of the future half-width improvements along the Circle Mountain Road right-of-way from the extreme northwest corner of the subject property to the point where the Circle Mountain Road alignment enters the subject property in its entirety. The extent of the improvements shall be determined during Precise Plan review and shall be constructed to minimum County standards.

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- vi. At the time of precise plan, assurances will be provided for provision of future full-width right-of-way improvements for that portion of the realigned Circle Mountain Road, between the aforementioned terminus of the 40-foot half width to a point along the east property line, said point located approximately 550 feet south of the northeast corner of the subject property. The extent of the improvements shall be determined during Precise Plan review and shall be constructed to minimum County standards.
- vii. At the time of precise plan, assurances will be provided for provision of future right-of-way improvements along the I-17 Frontage Road adjacent to the site. The extent of the improvements shall be determined during Precise Plan review and shall be constructed to minimum County standards.
- viii. Adjustments to the aforementioned Circle Mountain Road alignments may be considered depending upon engineering issues raised during the site-engineering phase, provided the parcel delineation as depicted in the site plans discussed in stipulation "a" above do not vary more than five percent (5%) as allowed under Article 1001.4.5(b) of the Maricopa County Zoning Ordinance.
- p. All interior streets within the proposed development are to be constructed to minimum County standards.
- q. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- r. Prior to the expiration of conditional zoning or prior to the approval of the first preliminary plat (which ever comes first), the applicant shall receive approval from Maricopa County Environmental Services for on-site and off-site water and sewer master plans.
- s. Prior to approval of any preliminary plat for the proposed development, a preliminary drainage report/plan must be submitted to the Flood Control District for review and approval. The drainage report/plan must document off-site and on-site flows and the sizing of drainage tracts and retention areas.
- t. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- u. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with native landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- v. Prior to the approval of any Specific Development Plans within the project area, the applicant shall survey the entire subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to final plat approval for any plat within the Arroyo Vista project area. If required by the State Historic Preservation Office, an archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating

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disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.

- w. The applicant shall comply with all applicable federal, state and local laws regarding endangered species habitat loss mitigation.
- x. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department/district.
- y. Major changes to this PAD General Development Plan (the site plan and narrative report), shall be processed in the same manner as the original application, as outlined in Article 1001.4.5 of the Maricopa County Zoning Ordinance.
- z. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- aa. Development of Parcel 10 shall be in conformance with the zoning exhibit addendum entitled 'Exhibit B', dated June 3, 2003 and presented to the Planning and Zoning Commission on June 5, 2003.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the July 30, 2003, meeting due to a noticing error.

- 18. Z2002-108 District 4**
Applicant: Stephen Anderson
Location: Northwest corner of Deer Valley Rd. & 85th Ave. (in the Peoria area)
Request: Rezone from Rural-43 to C-O P.D. - Deer Valley Office Park (1.92 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-108, subject to the following stipulations "a" through "n". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Deer Valley Office Park, Plan Of Development, Request: Zoning Change from Rural-43 to Commercial Office" consisting of one (1) full-size sheet, dated revised February 5, 2003 and stamped received April 28, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative Report for Deer Valley Office Park, Deer Valley Road and 85th Avenue ", consisting of four (4) pages, dated January 10, 2003 and stamped received March 20, 2003, except as modified by the following stipulations.
- c. Prior to the issuance of zoning clearance, the applicant shall seek review and comments from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- d. The applicant shall contact the Flood Control District's Permitting Office and Planning and Zoning Office for a drainage clearance and building permit. For drywells, proof of drywell

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registration and Arizona Department of Environmental Quality approval shall be submitted to the Flood Control District prior to issuance of a drainage clearance.

- e. Dedication of additional rights-of-way to bring the total half-width dedication to 55' for Deer Valley Road and the total half-width dedication to 30' for 85th Avenue shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- f. Development of the site shall include bonding and half street improvements on Deer Valley Road and 85th Avenue (including paving, gutter and sidewalk) at the discretion of the Maricopa County Department of Transportation.
- g. Prior to the issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the public right-of-way.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- j. All buildings shall utilize similar colors, materials and design elements.
- k. All landscaping shall be of a xeriphytic nature with an emphasis on native and near-native plant species, and shall irrigated with automatic irrigation devices. All trees shall be double staked when installed.
- l. Major changes to the Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- m. Non-compliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- n. Development is contingent upon annexation into the City of Peoria.

Joy Rich, Chief Regional Development Services Officer, reported on this case as approved by the Planning Commission subject to stipulations "a" through "n" with revised language to stipulation "f" as follows:

- f. Development of the site shall include ~~bonding and~~ ultimate half street improvements on Deer Valley Road and 85th Avenue (including ~~paving~~ paving pavement, curb, gutter and sidewalk) at the discretion of the Maricopa County Department of Transportation.

Steven Anderson, representing the applicant, said that the applicant is in agreement with the revised stipulation and asked the Board's approval.

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Supervisor Stapley complimented the applicant remarking that, "this is a nice addition to the area and appears to be a very well conceived project."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation by the Planning Commission for approval, subject to stipulations "a' through "n" and with the modifications to stipulation "f."

- f. Development of the site shall include ~~bonding and~~ ultimate half street improvements on Deer Valley Road and 85th Avenue (including ~~paving~~ pavement, curb, gutter and sidewalk) at the discretion of the Maricopa County Department of Transportation.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Norma Risch, Deputy Clerk of the Board